DOCUMENT RESUME

ED 142 609 UD 017 092

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TITLE A Generation Deprived; Los Angeles School Desegregation. A Report of the United States Commission on Civil Rights.
INSTITUTION Commission on Civil Rights, Washington, D.C.
PUB DATE May 77
NOTE 251p.

EDRS PRICE MF-$0.83 HC-$14.05 Plus Postage.
DESCRIPTORS Agency Role; *Community Role; *Equal Education; Integration Litigation; *Integration Plans; *Integration Readiness; *Integration Studies; Racial Integration; *School Integration
IDENTIFIERS *California (Los Angeles)

ABSTRACT

This document presents the Commission on Civil Rights' findings and recommendations on the desegregation process, specifically the planning phase, in Los Angeles, California. It is the result of Commission investigations in Los Angeles which began in October 1976 and ended in a three-day hearing beginning on December of 1976. The report also incorporates data on events which occurred subsequent to the hearing and which obtained through followup investigations ending in May of 1977. Among the numerous findings are the following: (1) the Citizens' Advisory Committee on Student Integration, established to prepare coherent approaches to reduce racial isolation received no public support for its efforts from the school board, (2) the Los Angeles Unified School District was characterized by racially and ethnically isolated students, racially and ethnically identifiable schools, unequal and overcrowded facilities at predominantly minority schools, and low academic achievement by minority children, (3) representatives of business leadership in Los Angeles publicly supported obedience to the law and the concept of integration, and (4) institutions of higher education in the Los Angeles area constituted a largely untapped resource during planning and preparation for school desegregation in the school district. Although the report focuses on Los Angeles, it is not limited to this city only. Many of the findings and recommendations are applicable to other communities which will be involved in school desegregation. (Author/AM)

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A GENERATION DEPRIVED

Los Angeles School Desegregation

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A Report of the United States Commission on Civil Rights

May 1977

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LETTER OF TRANSMITTAL

U.S. Commission on Civil Rights
Washington, D.C.
May 1977

THE PRESIDENT
THE PRESIDENT OF THE SENATE
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

Sirs:

The United States Commission on Civil Rights presents to you this report pursuant to Public Law 85-315, as amended.

This document presents the Commission's findings and recommendations on the desegregation process, specifically the planning phase, in Los Angeles, California. It is the result of Commission investigations in Los Angeles which commenced in October 1976 and culminated in a 3-day hearing beginning on December 13, 1976. The report also incorporates data on events which occurred subsequent to the hearing and obtained through followup investigation ending in May 1977. The report, however, is not limited to Los Angeles. Many of the findings and recommendations are applicable to other communities which will be desegregating their schools.

We urge your consideration of the facts presented and ask for your leadership in ensuring implementation of the recommendations made.

Respectfully yours,

Arthur S. Flemming, Chairman
Stephen Horn, Vice-Chairman
Frankie M. Freeman
Manuel Ruiz, Jr.
Murray Saltzman

John Buggs, Staff Director
Louis Nunez, Acting Staff Director

ACKNOWLEDGMENTS

The Commission is indebted to Maria Echaveste, Joan Gilmore, Eleanor Jenkins, Nancy Langworthy, Cleveland Lee, Gloria Lopez-Hernandez, Jack Hartog, Reita Pendry, Carlton Terry, Mardon Walker, and Carole Williams who assisted in the preparation of this report under the direction of Frederick Dorsey and Gail Gerebenics.

The Los Angeles Hearing project, upon which this report is based, was directed by Frederick Dorsey, Assistant General Counsel.

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I. INTRODUCTION

On December 13-15, 1976, the U.S. Commission on Civil Rights held public hearings in Los Angeles, California, to study the development of equal educational opportunities in the Los Angeles Unified School District. The hearings were held pursuant to the Commission's statutory authority[1] and in response to invitations from the Commission's California Advisory Committee[2] and the Citizens' Advisory Committee on Student Integration (CACSI) of the Los Angeles Unified School District.[3] The Commission was requested to assist in developing the facts and to relate these facts to the principles which the Commission has found, as a result of past studies, must be upheld if the constitutional rights of children and young persons for equal educational opportunities are to be implemented. This report, which culminates more than 10 weeks of field investigation and 3 days of public hearings, presents the Commission's findings and recommendations regarding school desegregation efforts in Los Angeles, California.

DEMOGRAPHY AND BACKGROUND

The city of Los Angeles, which was incorporated in 1850 and chartered in 1925,[4] is situated in southern California. This metropolis of nearly 3 million people, the third most populous city in the Nation, covers an area of 464 square miles and is expected to double in population within the next 60 years.[5] Distant parts of the city are connected by a massive network of freeways, and the automobile is essential to travel in the city.

According to the 1970 census, the city's population consists of approximately 18.4 percent Hispanic,[6] 17.9 percent black, 59.1 percent white, and 4.6 percent other minorities.[7] The latter category includes the following: Japanese, 54,817; Chinese, 27,289; American Indian, 9,185; and others, 37,929.[8] Los Angeles has the largest population of Mexican origin in the United States.[9]

The minority population is generally concentrated in the central portions of the city. In 1920 small numbers of blacks were concentrated along Central Avenue.[10] From the 1940s to 1960s, as the black population rapidly increased, it expanded toward south central and southwest Los Angeles into such areas as Watts, Liemert, Baldwin Hills, and West Adams. Smaller communities of blacks became established in

the Venice area of West Los Angeles and in the Pacoima-Sun Valley areas of the San Fernando Valley.[11]

In the forties and fifties the Hispanic population was concentrated in the east side of Los Angeles. During the sixties, as the east side became a "major barrio," Hispanic families began moving to other parts of the city, such as Wilmington, the Harbor area, and Hollywood; to sections of the northeast, such as the Eagle Rock-Highland area; and to sections of the southeast, such as Huntington Park, Bell, Maywood, and South Gate. In the San Fernando Valley, the Hispanic population increased in Canoga Park, North Hollywood, and Van Nuys.[12] Generally, the Hispanic population is more widely dispersed than the black population in Los Angeles.

Asian and Pacific Americans live in scattered parts of the Los Angeles area. Many Chinese live in the New Chinatown-Castellar area and in areas of East Hollywood and portions of West Los Angeles.[13] The Korean community is centered in the areas bounded by Pico Boulevard, Hollywood Boulevard, and Sunset Boulevard,[14] and the population of Samoans is growing in the Harbor area. Increased numbers of Pilipinos, Vietnamese, and Cambodian families have settled along the Santa Monica freeway. The Sepulveda area in West

Los Angeles and the Crenshaw and Gardena areas are predominantly Japanese American.[15]

The largest concentrations of American Indians in the Los Angeles area reside in the Bell, Huntington Park, and South Gate areas. Attracted by employment in the iron smelting industries during the Second World War, more than 32 tribes are represented in the area, the largest of which are the Navajo and the Apache.[16]

LOS ANGELES UNIFIED SCHOOL DISTRICT

The Los Angeles Unified School District, which operates independently of the Los Angeles county and city governments, includes within its 710 square miles the city of Los Angeles and 10 other independently incorporated cities. It is the second largest public school system in the Nation, with almost 600,000 students and a total of 665 schools. The district's annual budget is nearly $1.2 billion, financed by a combination of local (county), State, and Federal funds. Approximately 70 percent come from local county-assessed taxes, 23 percent from the State, and 7 percent from the Federal Government. The district is governed by a seven-person board of education, whose members are elected in staggered 4-year terms.[17]

According to the district's 1976 racial and ethnic survey, the student population is 63 percent minority and 37

percent white. Hispanic students constitute the largest group, 32 percent, and, according to district demographic projections, this minority group will comprise 41 percent of the student population by 1980. Black students presently make up 24 percent; Asian Americans, 6 percent; and American Indians, 1 percent. The district also projects that by 1980 blacks will comprise 22.5 percent; Asian Americans, 8 percent; American Indians, 2 percent; and whites, 27 percent.[18]

As of July 1976, district statistics also identified 90,054 non-English-speaking (NES--27,123) and limited-English-speaking (LES--62,931) pupils, of whom almost 80 percent were Spanish speaking (NES--21,687; LES--49,059).[19] The number of Korean, Chinese, Samoan, Pilipino, and Vietnamese students in these categories is growing. Presently, only 34,500 NES or LES students are enrolled in English-as-a-Second-Language programs and an additional 23,292 students in special bilingual programs.[20] The remainder of the identified non- and limited-English-speaking students in the district--some 30,000 or more students--therefore appear to receive no language assistance in their education.[21]

The minority student population is concentrated in the core areas of the city. For example, in the four

administrative areas that comprise the San Fernando Valley portion of the district (Areas I, J, K, L), the average student enrollment is 75 percent white,[22] although pockets of minorities, such as Hispanics in Arleta (Area J) and blacks in Pacoima (Area K), exist.[23] Southeast of the San Fernando Valley, in administrative areas that encompass the central portions of the city, the predominant population is either black or of Hispanic origin. Administrative Areas B, C, E, F, and G have minority student concentrations of nearly 80 percent or more. Area G has the highest concentration of Hispanic students; Area C, the largest black student population in the city; Area A, the largest Asian American and American Indian populations.[24]

A BRIEF HISTORY OF SCHOOL SEGREGATION

Before 1947 the education code of California permitted the governing board of any school district to segregate and establish separate schools for Indian children or children of Chinese, Japanese, or Mongolian parentage.[25] No provisions existed whereby black children in the public schools of California could be legally segregated.

Many children of Hispanic descent, however, were segregated in separate schools on the theory that, if they had any Indian blood, they could be classified as Indians by

the governing board of a school district and thereby subjected to segregation.[26]

The history of segregation in California provides a backdrop for the action on August 1, 1963, when black and Hispanic parents, on behalf of their children and represented by attorneys from the American Civil Liberties Union, sought an injunction and declaratory judgment in State court to compel the Los Angeles City Board of Education to desegregate two district schools, Jordan High School and South Gate High School. The former school was entirely black, the latter predominantly white. Because the schools were only 1.5 miles apart, the plaintiffs argued, the school board simply could redraw the attendance boundaries to integrate these two schools. After the 1963 suit was brought, plaintiffs and presiding Judge Alfred Gitelson had hoped that the board of education and its school administration would begin to act on the recommendations of the board's Ad Hoc Committee on Equal Education Opportunity, which the board had created in 1963. The board, however, refused to take any affirmative steps toward desegregation. Realizing the limited effect of their suit and the board's resistance, plaintiffs amended their complaint on July 6, 1966, to require that the board desegregate all district schools.[27]

Trial began on October 28, 1968, and continued intermittently for 65 court days.[28] During this time, the defendant board resisted the court's attempts to expedite the trial. For example, it refused to stipulate to conclusions of law in Brown v. Board of Education of Topeka, 347 U.S. 483 (1954).[29] The court offered the defendants a chance to avoid judicial intervention by permitting a recess so they could reconsider their legal duty under the State board of education's regulations requiring ethnic balance in California schools. The board rejected that opportunity.[30]

On February 11, 1970, Judge Gitelson rendered his decision. The court found that a substantial portion of the district's schools were segregated. Most of the district's schools had a student population of either 90 percent or more minority students or 90 percent or more white students.[31] A 1971 enrollment survey by the U.S. Department of Health, Education, and Welfare found that the school district was the most segregated in the entire country, with 86.6 percent of the black pupils attending schools which were more than 80 percent black.[32] The school board's de jure practices, the court said, had perpetuated and maintained this racial imbalance. Minority children suffered serious harm from segregated education, and minority schools were not equal in quality or efficiency to

majority white schools. The board had abdicated its affirmative legal duty to alleviate segregation in its district's schools.[33]

Upon appeal, however, the California Court of Appeals reversed Judge Gitelson's decision, and the case was remanded to the trial court. The appellate court relied heavily on the U.S. Supreme Court's holding in Keyes v. School District No. 1, 413 U.S. 189 (1973) and the California Supreme Court's case, Santa Barbara School District v. Superior Court, 13 Cal. 3d 315 (1975), as suggesting that the board's affirmative duty to alleviate segregation in its district schools was no longer law in California.[34] Plaintiffs appealed this reversal to the California State Supreme Court.

On June 28, 1976, the California State Supreme Court unanimously reversed the appellate court's decision and affirmed Judge Gitelson's order, except insofar as it required the board to achieve a specific racial and ethnic percentage in each of the district's schools.

In reversing the appellate court's decision, the California Supreme Court in Crawford v. Board of Education of the City of Los Angeles[35] clarified two important principles: (1) under State law, a California school board bears an affirmative duty to alleviate school segregation,

regardless of whether the segregation is de facto or de jure; and (2) in a court-ordered desegregation process, the proper role of the judiciary is to ensure that the local school board initiates and implements reasonably feasible steps which produce meaningful progress in the alleviation of segregation and its harmful consequences. This decision was based on a significant line of State decisions, which had for more than a decade authoritatively established the California school boards' affirmative duty under the State constitution's equal protection clause to take reasonable steps to alleviate segregation, whether it be de jure or de facto in origin.[36]

The court noted the serious harm that minority children experience in a segregated school. Referring to its decision in San Francisco Unified School District v. Johnson,[37] which had relied heavily upon findings of harm documented in the U.S. Commission on Civil Rights' report, Racial Isolation in the Public Schools, the court emphasized that the harm to minority children did not turn on whether the segregation was de facto or de jure: "[I]t is the presence of racial isolation, not its legal underpinnings, that creates unequal education."[38]

Thus, the California Supreme Court held the following: Given the fundamental importance of education, particularly

to minority children--and the distinctive racial harm traditionally inflicted by segregated education--a school board has an affirmative duty under article 1, section 7, subdivision (a) of the California constitution to attempt to alleviate segregated education and its harmful consequences, even if such segregation results from the application of a State policy neutral on its face.[39]

Accordingly, the court upheld the trial court's order that the Los Angeles Unified School District prepare and implement a reasonably feasible desegregation plan because the board had not attempted to alleviate segregation in the district's schools. In discussing the "absolute failure" of the Los Angeles School Board to undertake reasonable steps to desegregate, the court mentioned the board's refusal to utilize its authority to draw boundary zones for neighborhood schools to alleviate, insofar as possible, segregation in such schools. The court also found that the board had located new schools, closed old ones, and determined the size, grade categories, and feeder patterns for such new schools without considering the desegregative benefits of such decisions. Further, the court noted that the school board had adopted a transfer policy which had the foreseeable consequence of perpetuating and, indeed, exacerbating the segregation in its district's schools.[40]

Although "racially balanced" schools may be a commendable goal, the court stated that such racial or ethnic balance was not required as a matter of constitutional law.[41] The California Supreme Court also stated that a trial court's role in the desegregation process is limited. It should not intervene so long as a local school board initiates and implements reasonably feasible steps which produce meaningful progress in the alleviation of school segregation and its harmful consequences, "even if it believes that alternative desegregation techniques may produce more rapid desegregation in the school district."[42] The court indicated that reposing with local school boards the judgment of choosing between alternative desegregation strategies held the best hope of achieving desegregation.

The court stated that:

> The key to judicial deferment to the judgment of a local school board in this area, however, must lie in a school board's demonstration of its commitment to the necessity of immediately instituting reasonable and feasible steps to alleviate school segregation.[43]

While the court did not forbid the use of busing, it did indicate that trial courts must be flexible in their use of student transportation.[44]

THE SCHOOL BOARD'S INTEGRATION PLANNING

In February 1976, prior to the California Supreme Court's ruling in Crawford,[45] the school board created a Citizens' Advisory Committee on Student Integration (CACSI) to study strategies to reduce racial isolation.[46] In April its charge was clarified to include responsibility for drafting an integration plan for submission to the board.[47] After 9 months of extensive research and intensive negotiations, the CACSI submitted a 3-year plan to the board on January 10, 1977. It urged that, beginning in September 1977, nearly 62,000 elementary school children be reassigned to relieve segregation in 199 elementary schools that have 70 percent or more minority enrollment. Desegregation of the junior and senior high school students would take place in successive years.[48]

The board, however, voted on January 17, 1977, in a series of split votes, to adopt a more limited approach. It approved guidelines under which kindergarten through third grade would be excluded from an integration plan and no provision would be made for any mandatory pupil reassignment. Grades four through six would be transported to specialized integrated learning centers for one 9-week period to attend special academic classes. These centers would be located somewhere between the segregated minority

school and the predominantly white schools. Junior high schools would be included in the same program the second year, but such a plan was only tentatively approved for senior high schools. On the instructions of the board the district's administration, in conjunction with selected leaders of the Citizens' Advisory Committee on Student Integration, drafted details of a plan based on the school board guidelines adopted January 17, 1977, and submitted the plan to the board on February 22, 1977.[49]

Attempts by school board member Diane Watson and the Integration Project to intervene in the Crawford case in order to submit alternative desegregation plans to the court were rejected by the trial judge on March 14, 1977. The court also rejected attempts by other community groups, including Bus Stop, the Integration Project, and Better Education for Students Today (BEST), and individual parents of district children to intervene. However, the organizations were finally permitted to intervene in the case after a district court of appeals reversed the trial judge's decision and the California State Supreme Court refused a request to bar the intervenors.[50] Diane Watson intervened as an individual rather than in an official capacity as a board member. During this period a task force of the Citizens' Advisory Committee on Student Integration

drafted a detailed plan. The CACSI plan, rejected by the board, was to have been submitted to the court by board member Diane Watson;[51] it has been submitted to the court by the board as a minority report.[52]

NOTES TO CHAPTER I

1. 78 Stat. 251, Pub. L. No. 88-352 (1964). Public notice of the Los Angeles Hearing was announced in 41 Fed. Reg. 50308-50309.

2. Herman Sillas, Jr., Chairperson, California Advisory Committee, letter to members of the U.S. Commission on Civil Rights, Oct. 1, 1976.

3. Citizens' Advisory Committee on Student Integration, telegram to the U.S. Commission on Civil Rights, Sept. 13, 1976.

4. Rolle, "Los Angeles," in Encyclopedia Americana, vol. 17, pp. 748, 754. See generally, Rolle, California: A History, 2d ed. (Crowell, 1969).

5. Ibid., p. 749. See also, Community Analysis Bureau of the City of Los Angeles, December 1976 (hereafter cited as Community Analysis Bureau).

6. This report will use racial and ethnic categories, except when specifically quoting or attributing to others, based on Race and Ethnic Standards for Federal Statistics and Administrative Reporting, Proposed Revisions of Attachment F to OMB Circular No. A-46. Memorandum to the Ad Hoc Committee on Racial/Ethnic Categories from George E. Hall, Chief, Social Statistics, Statistical Policy Division, Office of Management and Budget, Oct. 13, 1976.

7. U.S., Bureau of the Census, Census of Population: 1970, Detailed Characteristics, Final Report PC (1)-D6 California, sec. 1 (hereafter cited as Detailed Characteristics). Census reported that 98 to 98.5 percent of the 9.1 million persons of Spanish origin were classified as white. See Subject Reports, Persons of Spanish Origin (June 1973).

8. Detailed Characteristics.

9. Rolle, "Los Angeles," p. 749.

10. John Caughey, To Kill a Child's Spirit: The Tragedy of School Segregation in Los Angeles (Itasca, Ill.: Peacock, 1973), p. 6.

11. Zane Meckler, Advisor to Student Integration Resource Office, testimony before the U.S. Commission on Civil Rights, hearing, Los Angeles, Calif., Dec. 13-15, 1976. transcript, pp. 42-43 (hereafter cited as Hearing Transcript).

12. Hearing Transcript, pp. 45-46.

13. Hearing Transcript, p. 44.

14. Dr. Hyung Kim, Professor, California State University at Long Beach, and President, Korean Association, staff interview, Los Angeles, Calif., Nov. 23, 1976.

15. Testimony of Zane Meckler, pp. 42-43.

16. Sidney Brickman, Superintendent, Area B, LAUSD, letter to Frederick D. Dorsey, Assistant General Counsel, U.S. Commission on Civil Rights, Apr. 25, 1977. According to Area B records, the number of Cherokee Indians seems to be surpassing the number of Apaches as of spring 1977.

17. Los Angeles Unified School District, Statistical-Financial-Personnel Data: 1975-76 (hereafter cited as LAUSD Data); testimony of William Johnston, Superintendent, Los Angeles Unified School District, Hearing Transcript, p. 821; and Zane Meckler, Advisor to Student Integration Resource Office, staff interview, Los Angeles, Calif., Oct. 15, 1976.

18. Los Angeles City Board of Education, Plan for the Integration of Pupils in the Los Angeles Unified School District, Mar. 18, 1977 (hereafter cited as Board Integration Plan).

19. Los Angeles Unified School District, Simplified Program Reporting System--Non-English Speaking Students (October 1975) and Simplified Program Reporting System--Limited English-Speaking Students (October 1975), computer printout, July 8, 1976.

20. Robert R. Rangel, Director, Bilingual-ESL Services Branch, LAUSD, letter to Frederick D. Dorsey, Assistant General Counsel, U.S. Commission on Civil Rights, Apr. 29, 1977.

21. The district provides services to the remainder based on resources available to the local school, but notes that

no statistical data are available on how many of these students actually receive the services.

22. Los Angeles Unified School District, Racial and Ethnic Survey: Fall 1975, no. 354, p. 4 (hereafter cited as Racial and Ethnic Survey).

23. Los Angeles Unified School District, "A Basis for Planning" (January 1976), pp. 14, 26.

24. See Racial and Ethnic Survey, pp. 56-59.

25. Cal. Educ. Code §§8003-04(repealed 1947).

26. Coordinating Council for Latin American Youth, letters to Los Angeles Committee for Interracial Progress, Feb. 28, 1945, to El Monte School District, May 14, 1945, and to Earl Warren, Governor, Oct. 1, 1945.

27. Brief for Petitioners, pp. 4-5, 8-9, Crawford v. Board of Education of the City of Los Angeles, 130 Cal. Rptr. 724, 551 P.2d 28 (1976) (hereafter cited as Brief for Petitioners).

28. Crawford v. Board of Education of the City of Los Angeles, No. 822-854, Minute Order at 2 (L.A. Sup. Cty, Feb. 11, 1970) (hereafter cited as Minute Order).

29. Caughey at 70.

30. Brief for Petitioners at 4-5.

31. Minute Order at 19-20.

32. 118 Cong. Rec. 565 (1972).

33. Minute Order at 28.

34. Crawford v. Board of Education of the City of Los Angeles, 2d Civil No. 37750, Mar. 10, 1975 (unreported).

35. 130 Cal. Rptr. 72 551 P.2d 28 (1976).

36. Id. at 31-35, citing Jackson v. Pasadena City School Dist., 59 Cal. 2d 876, 382 P. 2d 878; Mulkey v. Reitman, 64 Cal. 2d 529, 413 P. 2d 825 (1966); San Francisco Unified School Dist. v. Johnson 3 Cal. 3d 937, 479 P.2d 669 (1971); and Serrano v. Priest 5 Cal. 3d 584, 487 P.2d 1241 (1971).

37. 3 Cal. 3d 937, 479 P.2d 669 (1971).

38. Crawford, 551 P.2d at 37, quoting Johnson, 3 Cal. 3d at 949, 479 P.2d at 676.

39. Crawford, 551 P.2d at 39.

40. Id. at 42, 46.

41. Id. at 43.

42. Id. at 45.

43. Id.

44. Id. at 47.

45. Id.

46. Minutes, Regular Meeting of the Los Angeles City Board of Education, Feb. 5, 1976.

47. Robert Docter, President, Los Angeles City Board of Education, letter to Robert Loveland, Chairperson, CASCI, Apr. 20, 1976.

48. Los Angeles Times, Jan. 8, 1977, part I, p. 1, col. 5.

49. Spotlight, Los Angeles City Schools (newsletter), Jan. 21, 1977.

50. Los Angeles Times, Apr. 23, 1977, part I, p. 1, col. 5.

51. Los Angeles Times, Mar. 15, 1977, part I, p. 3, col. 5.

52. Board Integration Plan.

II. THE CITIZENS' ADVISORY COMMITTEE ON STUDENT INTEGRATION (CACSI)

On February 5, 1976, the board of education conceived and authorized a Citizens' Advisory Committee on Student Integration (CACSI). By February 26, 1976, board members agreed on a list of groups and organizations from which recommendations for CACSI membership would be solicited. By March 29, 1976, persons nominated by the various groups and organizations were approved and on April 1, the CACSI began operating.

The Citizens' Advisory Committee on Student Integration was established to prepare coherent approaches to reduce racial isolation, to enlist community support, and to assist the board in the implementation of strategies which might be evolved and accepted by the board and the community.[1] It was determined, however, by mid-April that the actual function of the CACSI was to develop a plan for the desegregation of the Los Angeles Unified School District.[2]

Recommendations for membership of the Citizens' Advisory Committee on Student Integration were solicited

from 60 individuals and organizations, a list of which had been compiled and agreed upon by school board members.[3] After every organization had submitted its nomination, the board approved the original membership list; by September the membership had been increased to 114, all of whom were appointed by the board. The chairperson, appointed by the school board, designated the first eight subcommittees; the remaining five subcommittees were established by the planning subcommittee or full committee. The chairperson also designated convenors for the subcommittees. Eleven of the appointed convenors were later elected permanent chairpersons by the full committee. The remaining six chairpersons were chosen directly by the subcommittees. The 13 subcommittees and their functions were:

a) Planning--composed of other subcommittee chairpersons; provided general overall guidance and coordination for other subcommittees.

b) Logistics--provided data regarding all aspects of the district relevant to school desegregation, including student population statistics, condition of individual school facilities, and computation of bus costs and travel time between various schools. This subcommittee also collected and evaluated data on the district's current

integration efforts and on special programs that would be affected by an integration plan.

c) Survey--collected and disseminated data on some 50 school districts that had desegregated, evaluated the relative success of those districts, and identified factors contributing to success or failure; the subcommittee then recommended 10 possible integration methods for the LAUSD.

d) Criteria--identified guidelines important to integration planning and recommended their inclusion in the integration plan.

e) Feasibility--reviewed all CACSI recommendations as well as community integration proposals to determine their financial, educational, and legal feasibility.

f) Human relations--collected data nationwide on human relations programs and alternatives, consulted with and obtained assistance from human relations experts, developed human relations components for the CACSI integration (many of which were adopted by the board), and held a series of community information meetings and parent workshops to familiarize the public with the integration planning process.

g). Preliminary report--had the task of synthesizing the work of the other subcommittees and testing various

integration methods to arrive at the preliminary plan to be submitted to the board.

h) Voluntary methods--studied voluntary methods of integration--innovative or specialized programs or schools (for example, magnet schools and traditional schools)--that would attract white and minority children on a voluntary basis.

i) Chicano coalition--provided more appropriate representation of the concerns and needs of the Chicano community and provided important data and planning for bilingual and bicultural programs in the CACSI desegregation plan.

j) Special subcommittees (government, media, business, and clergy)--provided a liaison between their various constituencies and the CACSI. The government subcommittee was directly responsible for the Commission's being invited by the CACSI to study school desegregation in Los Angeles.

FINDINGS

•The Citizens' Advisory Committee on Student Integration received no public support for its efforts from the school board and no formal public commitment from the board to implement meaningful student integration. The CACSI's credibility and potential impact in the community

were undermined by the actions of the board generally and board members specifically.

(a) The efforts of the Citizens' Advisory Committee on Student Integration to mobilize community support for desegregation were made without board support and were greeted with suspicion in the community.

Shortly after the CACSI was established and membership was selected, it sought clarification of its responsibility and a statement of clear commitment from the board to implement a desegregation plan.[4] This request was acknowledged in a letter to the CACSI by Dr. Robert L. Docter, then president of the school board with the concurrence of four other board members.[5] Although Dr. Docter's letter ostensibly constitutes an informal commitment by the board to student integration and an assignment to the CACSI to draft a plan or plans for student integration, this commitment (if it was a commitment) was never communicated to the public. As one school board member testified:

> ...I felt and I still feel very strongly that the board never had the kind of discussion that would put the general public on notice as to our entire commitment, board member by board member, [to] integration....This new board never...took the opportunity to really state its position, and I think if we had done that there might have been a clearer direction given to our citizens' advisory committee.[6]

The responsibilities of the Citizens' Advisory Committee on Student Integration included serving as liaison between the board and the community. The CACSI therefore conducted a series of public meetings in each of the district's administrative areas to explain the Crawford decision and discuss the CACSI role and various integration options. These meetings were described by CACSI members as generally dominated by hostile audiences unwilling to listen and by expressions of fears and misconceptions relating to student integration.[7] There was no school board support either by public statement or personal appearance. A few of the district's area administrators who were responsible for arranging the meetings were unsupportive and set a negative tone for the meetings. Some CACSI members, objects of community abuse and hostility, believed that community anger was really directed at the school board and that board members should have also borne the community's antagonism toward CACSI.[8]

In the beginning, many in the community consistently expressed suspicion of the relationship between the Citizens' Advisory Committee on Student Integration and the school board. On the one hand, there were those who suggested that the CACSI was the pawn of the school board. Others perceived that the CACSI would have little actual

effect on student integration planning.[9] The first view was buttressed by the lack of support for the CACSI by the board. The other view was supported by the board's creation of a committee of lay people, many of whom had no expertise or experience in drafting a desegregation plan. The school board, by ignoring the recommendations of the committee, continued to act in a manner suggesting "footdragging" and a lack of commitment.

One member of the Citizens' Advisory Committee on Student Integration stated that the board's creation of the CACSI was merely another delaying tactic.[10] Marnesba Tackett, executive director of the Western Regional Division of the Southern Christian Leadership Conference (SCLC) and a member of the CACSI, noted that the position of SCLC (and her own position) was that the school board abdicated its responsibility under Crawford by remanding its (the board's) job to a "group of volunteers who have neither the time nor the expertise to accomplish the task."[11] A third CACSI member described the CACSI as a vehicle for the school board to adopt or implement a plan without being responsible for it.[12] Armando Chavez, a CACSI member, testified at the hearing that the school board was insincere in its commitments and that the efforts of the Citizens' Advisory

Committee on Student Integration were an exercise in futility.[13]

•The Citizens' Advisory Committee on Student Integration expended considerable time, energy, and money developing the fundamental information and understanding necessary to formulate a meaningful student integration plan suited to the Los Angeles Unified School District.

(a) The district-created Student Integration Resource Office (SIRO) was assigned responsibility by the board to provide staff services to the CACSI, but it was not intended to and did not have personnel qualified to assist the CACSI with integration planning. The Student Integration Resource Office offered no educational or integration expertise with respect to student integration planning.

(b) Members of the Citizens' Advisory Committee on Student Integration had to learn for themselves the educational, technical, and administrative issues unique to district schools and programs without assistance from the school board or the district administration, and in the process developed into a knowledgeable and active group in the field of student integration.

The first 9 months of the existence of the Citizens' Advisory Committee on Student Integration were a learning

period for the members. Significant time and energy was expended investigating the literature on desegregation, learning the different approaches that other school districts have used to desegregate their systems, and evaluating local efforts, including looking at school district programs that would be affected by an integration plan. The committee members also had to familiarize themselves with basic educational methodology, structure, and needs in the context of the technical and administrative complexities of the district.[14] The school district adopted a hands-off policy, taking the position that the CACSI would receive only the information or guidance it specifically requested.[15] The district volunteered neither advice nor aid to the committee, thereby prolonging the lengthy self-education process. The fact that the CACSI may not have had sufficient familiarity with the area to request necessary and relevant information or assistance from the school district prompted a CACSI subcommittee chairperson to say that she hoped that the district would let the CACSI know if it forgot something before the plan was submitted.[16]

The school district justified its refusal to involve itself with the Citizens' Advisory Committee on Student Integration by citing an overriding concern to maintain the committee's independence and credibility. According to

James Taylor, deputy superintendent: "We have been cautious in initiating studies that might in any way conflict with or be interpreted as usurping the Citizens' Advisory Committee on Student Integration."[17]

The district's decision not to interfere in the activities of the Citizens' Advisory Committee on Student Integration was initiated and supported wholeheartedly by the school board. The board's posture was explained by one member who said:

> I don't think there was a direct request on the part of the board...to the superintendent and the staff to have them give guidance to the citizens' committee. The intent was to allow the citizens' committee to prepare, in their wisdom, what they thought was a reasonable and feasible plan.[18]

The school board president reaffirmed this, saying that the board was "anxious" that the CACSI be totally independent from the district in the formulation and development of its recommendations.[19] This view was shared by many CACSI members who favored and encouraged CACSI independence from the district, especially from its personnel. These CACSI members believed that the district would inhibit rather than aid the committee's work. This attitude reflected the general suspicion and skepticism of the district's motives and intentions.[20]

The fact that the Citizens' Advisory Committee on Student Integration was spending an inordinate amount of

time learning and understanding the intricacies involved in formulating integration strategies was cited by one board member as the reason that all of the CACSI's requests for consultants were not honored.[21]

That view, however, was not shared by the entire school board, as one member noted:

> The sense of dedication with which they have addressed themselves, I believe, was deserving of the kind of support which they requested of us. I am sorry that we have not seen fit to provide them with all the consultant resources that they have requested. I think that is unfortunate.[22]

The membership of the Citizens' Advisory Committee on Student Integration, realizing its limitations and lack of technical expertise, found the board's unresponsiveness more than "unfortunate." One CACSI leader expressed a frustration shared by others that the CACSI was created to do the board's dirty work and declared that the CACSI expected the school board to do what it could to help the committee.[23]

The board did create the Student Integration Resource Office (SIRO) to provide basic support services to the committee, to act as a liaison with other district units with regards to the CACSI activities and needs, and to conduct a community relations program to apprise the public of the CACSI's activities and data pertaining to the school district.[24] The Student Integration Resource Office's main

function, however, was that of information retrieval, as SIRO had neither the staff nor the expertise for integration planning.[25] More specifically, the SIRO director maintained that "our staff is not participating in devising the proposal. This is a function of the citizens' committee."[26]

The technical assistance and expertise provided by the school board and the school district to the CACSI was a matter of too-little, too-late, slowing the critical process of planning when time was of the essence to meet the implementation target date of September 1977.

Nearly all of the Citizens' Advisory Committee on Student Integration members interviewed by Commission staff attested that the committee process, though slow and time consuming, was educational for its members and raised the level of awareness in the community. John Mack, executive director of the Los Angeles Urban League and CACSI member, testified:

> On the positive side of this slow methodical approach, it can be said that some people have probably learned. Some people...who had some very negative attitudes about the whole idea, the whole process...have allowed themselves to become exposed to some of the facts of the situation. I think now it's fair to say that some people have probably grown and matured and really are ready to face up to reality.[27]

Julian Keiser, executive director of the Community Relations Conference of Southern California and chairperson of the CACSI criteria subcommittee, testified:

> I believe that one of the interesting things that's happened through this whole process is that many people on the committee...as they have seen what the possible implications are...have changed many of their preconceptions about what would be required.[28]

Some criticism was voiced, however, of the CACSI's slow progress. The length of deliberations was attributable, in part, to the diversity of the CACSI membership and the obstructionist tactics employed by some of the anti-integrationists.[29]

Other criticisms of the committee's workings centered on the decisionmaking process. One member expressed misgivings about the carte blanche authority of the CACSI chairperson;[30] another was critical of the fact that the chairperson was the only one to have personal contact with the board in communicating the group's proposals and requests and interpreting its recommendations.[31]

None of these criticisms is supported by the record. All official actions and positions taken by or on behalf of the Citizens' Advisory Committee on Student Integration were authorized by decisive majority votes. What little support the committee received from the school district was because of the close personal interaction between Dr. Loveland and

the school board and school administration. Notwithstanding the operational, organizational, and personality difficulties encountered by the CACSI, the group was able to emerge with a set of recommendations clearly more sophisticated and far-reaching than anyone had expected. The fact that the committee--composed of individuals from varying educational, political, social, economic, and cultural backgrounds--was kept together and effectively functioned under the most difficult of circumstances is thought by many to be directly attributable to the total commitment and personal integrity of Dr. Robert Loveland.

•The Citizens' Advisory Committee on Student Integration was perceived as insensitive to minorities for its failure to persuade the board to improve minority representation and its failure to seek out and respond to minority community issues.

(a) The Citizens' Advisory Committee on Student Integration is disproportionately white and does not reflect the diversity of the community from which its membership was drawn.

CACSI membership was determined by board policy. By allowing organizations and individuals the right to appoint members instead of directly appointing individuals to the committee,[32] and refusing to consider recommendations to

increase minority membership, the board abdicated its responsibilities to ensure appropriate and proportionate representation of minority communities.

Minorities were underrepresented in leadership positions on the Citizens' Advisory Committee on Student Integration. Of 17 subcommittee chairpersons, 6 were minority and only 2 were Chicano. The CACSI chairperson, Dr. Robert Loveland, was unanimously appointed by the board and given a "free hand" in running the committee. He created several of the subcommittees and appointed "convenors," many of whom were subsequently elected permanent chairpersons. The appointment of convenors was done on the basis of Dr. Loveland's knowledge of their previous experience and ability to work with groups.[33]

Regardless of the cause, many minority members of the Citizens' Advisory Committee on Student Integration expressed concern about the lack of minority membership of the group and its subcommittee leadership.[34]

Armando Chavez, a member of the Citizens' Advisory Committee on Student Integration, testified that Chicanos were underrepresented in the CACSI leadership.[35] Another complaint expressed was that the minorities on the CACSI were disillusioned with the mostly white, "hand picked" group which controlled the meetings.[36] Another minority

member indicated that the CACSI was not representative of poor people or minorities because the demands and schedules of the committee discouraged their participation.[37] Elaborating on that theme, Annie Richardson, another minority member, testified that the CACSI was unresponsive to the difficulties encountered by poor and minority members. Discussing the problems of transportation costs and babysitting fees encountered by some members, she testified:

> ...when it was brought up...most of the other people on the committee--doctors, lawyers--they really don't understand the problems, and I have been trying to relate to them that if you want people to come, you have to...have [the meeting] at a convenient time for them. At 7:30 in the morning...you have to get [kids] off to school...after school...you have to consider child care.[38]

Asian American and American Indian members of the Citizens' Advisory Committee on Student Integration expressed similar views.[39] These problems, however, were not unique to any particular segment of the CACSI membership. Long hours, early morning and late night meetings, evening speaking engagements, and weekend sessions were routine for many members whose jobs and personal lives took second place to the demands of active participation on the CACSI.[40]

Minority communities within the district disclosed a number of concerns about the effect of desegregation on the

educational needs of their children. Asian, Chicano, and Indian spokespersons all pointed to the strong interest in their respective communities in ensuring the maintenance and growth of hard won bilingual-bicultural programs.[41] Black community representatives noted their concern over the possible negative impact of desegregation on Title I funding critical to meeting the needs of black children.[42] All minorities interviewed expressed concern about the transportation of minority students in general and one-way or disproportionate transportation of minority students in particular.

Minority members of the Citizens' Advisory Committee on Student Integration generally perceived the committee's white majority as insensitive to minorities and minority concerns. One CACSI member, also on the Mexican American Education Commission, believes that there was a great reluctance on the part of the majority of the CACSI members to listen to the views of its minority members. This perception led to the formation of a minority coalition on the CACSI to address minority concerns about student integration.[43]

Grace Montanez Davis, deputy mayor of Los Angeles and co-chairperson of the CACSI feasibility subcommittee, testified:

> ...the fact that the minority members of this committee had to go outside of the committee to even begin to have their own deliberations is an indication of how far we have yet to go.... These people were participating in the committee.... But we [the CACSI] have not been able to address ourselves to the specific needs of the minority communities....[44]

The coalition, composed primarily of Chicanos and American Indians, met and deliberated outside of the CACSI structure. Chicano members successfully petitioned the CACSI to establish an official Chicano coalition subcommittee.[45]

An issue of particular concern for minority members of the Citizens' Advisory Committee on Student Integration was minority representation among CACSI members selected to accompany board members and district staff on visits to desegregated school districts. Minorities chosen were not parents of district students, did not include Title I representatives, and were generally thought of as elitist.[46] The CACSI passed a motion requesting that the board allot additional travel funds "to send parents, including minority parents who are members of the CACSI," to visit integrated school districts.[47] The committee chairperson indicated informally that the school board would probably refuse the request.

Another motion, passed at the same time, recommended that the board authorize a sensivitity training retreat for CACSI members. A CACSI leader acknowledged that sensitivity training was suggested early in the life of CACSI, but the school board, he said privately, would probably not approve this request, even though many CACSI members, including a subcommittee chairperson (who later resigned), were perceived insensitive to minority concerns and to minority people.[48] In addition, there were unsuccessful efforts by minority members of the CACSI to recommend that the committee ask the board to increase minority representation.[49]

•Efforts of the Citizens' Advisory Committee on Student Integration to ensure community support for and community participation in school integration planning by preparing a meaningful student integration plan were thwarted by the summary manner in which the school board rejected many of the basic elements of the plan.

The Citizens' Advisory Committee on Student Integration submitted a preliminary report to the Los Angeles City Board of Education on January 10, 1977.[50] The report contained much of the background work prepared by the committee, the criteria and guidelines adopted, and the "concept of an integration plan."[51] The heart of the concept was that, over

a 3-year period beginning in September 1977, all schools would be integrated so that no school enrollment would exceed 60 percent of one minority or 70 percent combined minorities. Beginning in September, 181 elementary schools whose enrollments were 70 percent or more minority would be integrated. Using the same 70 percent standard, junior high schools would be integrated in the 1978-79 school year, and senior high schools in the 1979-80 school year.

Although the school board had indicated that the Citizens' Advisory Committee on Student Integration recommendations would be carefully considered and weighed with public discussion,[52] the members met in closed session, and within 3 days took action which essentially ignored the CACSI's recommendations and set forth guidelines for a "board" plan. The board plan allowed for no desegregation from kindergarten through third grade, required no mandatory reassignment, and called for the establishment of specialized learning centers to which fourth, fifth, and sixth graders attending segregated schools (75 percent minority or white) would be transported for one 9-week period during the school year. Some efforts would be made to integrate secondary schools in succeeding years, primarily through magnet schools with voluntary enrollment.[53]

The response of the board to the committee's preliminary report led to strong negative reaction on the part of the CACSI and other members of the community. Dr. Robert Loveland, CACSI chairperson, said that the school board's action represented "rather cavalier treatment of some carefully prepared recommendations"[54] and referred to the board's rejection of the CACSI's work product as "the Thursday night massacre."[55] One committee member felt that the CACSI had been "used and abused."[56] Ramona Ripston, executive director of the American Civil Liberties Union of Southern California, said:

> Essentially, the [board's] plan is a fraud.... But it's what we always knew would happen. The Board expected the Citizens' Committee to come up with weak proposals, and when the Committee didn't do that they [the board] just ignored them.[57]

John Mack, executive director of the Los Angeles Urban League, labeled the school board plan "a politically motivated sham."[58] "An absolutely ridiculous nonleadership approach to the problem of integration" was the comment by Rev. Garnett Henning of the Community Task Force for Better Education regarding the board plan, and Rev. James Lawson, a CACSI representative from the NAACP, charged the majority of the school board with fostering racism.[59] One of the strongest criticisms of the board plan came from school board member Diane Watson, who called the proposal "illegal,

dishonest and fraudulent" and nothing more than an "extended field trip."[60] Ms. Watson has said that she will not support or endorse the board plan.[61]

In anticipation of judicial review of its work product, the Citizens' Advisory Committee on Student Integration continued to refine and develop its plan. However, in January the board officially informed the committee that district resources, personnel, and services would no longer be available to the CACSI.[62] The CACSI voted to pursue a dual course of cooperating with the district in completing the board's integration plan and continuing work on its own plan.[63] On February 28, 1977, the CACSI adopted a final integration plan which it submitted to the board on March 3, 1977.[64]

Although one board member predicted in October that the odds were relatively high that the board would not accept the CACSI's recommendations,[65] the outrage and bad feelings generated by the board's manner of dealing with the report served to divide the community even further and negate most of the positive support and unity that the Citizens' Advisory Committee on Student Integration had fostered.

RECOMMENDATIONS

•<u>The Citizens' Advisory Committee on Student Integration should be reassembled by the board of education</u>

to draw on the skills, knowledge, and expertise of the broadly based group to implement and monitor the final plan in accordance with community needs and concerns.

The CACSI could be an important element in the prospect for successful desegregation of the Los Angeles schools. As the only broadly based citizens' group to have lived with and studied the specific situation for a year, the CACSI could provide significant insight into the unique problems, concerns, and needs of the students in the Los Angeles Unified School District. In its year of intensive study and analysis of the desegration process, the Citizens' Advisory Committee on Student Integration proved that it was able to become an effective, integral part of the planning phase (one of the most complex in the desegregation process). The CACSI is now capable of providing invaluable services through the implementation and monitoring stages.

The Citizens' Advisory Committee on Student Integration should make a serious effort to regroup its forces and restucture the organization to meet the new challenges of implementation. The group should concentrate its efforts on mobilizing community support and communicating community concerns to those directly involved in the implementation of the final plan. Determining any inadequacies or failings of the plan by isolating specific needs of the various affected

groups and recommending measures to remedy those deficiencies are tasks uniquely suited to the experiences and skills that the CACSI developed during the planning phase.

Various subcommittees of the CACSI could assist in evaluating the effect of the integration process on the community and in monitoring the effectiveness of the plan in dealing with minority, ethnic, and community concerns. Recommendations for strengthening portions of the plan, rearranging timetables, or designing new approaches or strategies as they are needed could also be solicited from the CACSI.

•The Citizens' Advisory Committee on Student Integration should solicit the board's cooperation to mobilize community support for student integration. The CACSI should also request that the board make public statements committing itself to meaningful student integration and participate in joint public appearances with the CACSI to explain the Crawford decision and the projected plans for integration.

No citizens' advisory committee created by a school board or district should be expected to function without that board's wholehearted support and cooperation. Such committees should be commended for their interest and

assistance even when, after thorough public discussion, the committee's recommendations are not adopted.

It is imperative that the Citizens' Advisory Committee on Student Integration continue to cooperate with the board in interpreting the requirements imposed by Crawford and improving community understanding and support for student integration. If the CACSI continues to disagree with the school board about the essential elements of a successful plan for student integration, mutual support may be difficult until a plan is actually adopted. However, whatever plan the trial court adopts will require the positive cooperative efforts of both the CACSI and the board to ensure successful implementation.

It is important that the Citizens' Advisory Committee on Student Integration formally advocate that the school board meet its leadership responsibility to the community. The school board has the responsibility and the authority to make the difficult decisions necessary to implement a plan. As the CACSI attempts to educate the community, it is important that the information disseminated unequivocally reflect board policy. This can best be achieved through active participation by board members speaking for themselves and the board.

•The Citizens' Advisory Committee on Student Integration should initiate an aggressive program to encourage active participation by minorities from all ethnic communities represented in the district and incorporate minority concerns into the student integration process.

•The leadership of any citizens' committee should reflect the community from which it is drawn and be responsive to minority concerns and minority members.

Minority communities in the school district did not feel included in the decisionmaking process for desegregation. To overcome the exclusion of minorities, particularly of Chicanos, from leadership, the Citizens' Advisory Committee on Student Integration should solicit information and ideas from major ethnic community organizations. It is not necessary that such information and ideas be evaluated for their communitywide acceptance. What is necessary is that all segments of the community have access to those implementing the plan and the opportunity to be heard. The fact that the district's student population is 60 percent minority imposes an additional burden on the CACSI to ensure that minority concerns receive attention.

All recommendations from a citizens' committee specifically designed to meet minority student needs generally or the needs of minority children specifically

should receive attention, consideration, and discussion by the entire committee. These recommendations should be adopted or rejected by the committee at large. In the event of rejection, a minority report so designated should be submitted.

Efforts must be made to make persons in leadership positions on a committee more responsive to minority members. The previously requested human relations training for members of the Citizens' Advisory Committee on Student Integration must be funded. Such training is essential if the CACSI is to continue its supportive role through the preparation and implementation phases of desegregation. Minority parents cannot be expected to cooperate in a program for integration when persons responsible for responding to their concerns are insensitive. If formal, public requests for such resources from the district are rejected or ignored, the CACSI should solicit resources from the community through business, clergy, social services agencies, and individual contributions.

•<u>The Citizens' Advisory Committee on Student Integration should expand its membership to meet the increased personnel requirements to monitor effectively student integration implementation. Any increase in membership should attempt to compensate for the current</u>

underrepresentation of minorities as members and, more critically, as leaders.

It is apparent from the history of its actions that the school board will require stimulation from external, independent sources before any meaningful progress is made toward desegregation. Consequently, the continuing involvement of the Citizens' Advisory Committee on Student Integration through the stages of preparation and implementation is extremely important. Of primary concern is the assurance to minorities that their children will not be ignored or disproportionately affected by integration.

•The Citizens' Advisory Committee on Student Integration offers to any trial court an established, broadly-based community organization with a record of commitment and personal sacrifice on behalf of students and public education and with hard-earned sensitivity to the difficult educational, administrative, and social issues related to student integration. The CACSI is a group capable of monitoring preparation and implementation of student intergration.

If the school board fails to reassemble the Citizens' Advisory Committee on Student Integration, the Commission suggests that the trial court consider designating the committee as an arm of the court. If the committee is

reassembled by the board, the Commission suggests that the trial court consider having the committee's reports filed with the court.

To perform these invaluable services, with or without the direction of the court, the Citizens' Advisory Committee on Student Integration will need to be expanded to deal with the magnitude of the district's 665 schools, nearly 600,000 students, 30,000 teachers, and 2,000 administrators. No expansion of CACSI should be made that does not alleviate the underrepresentation of minorities.

•The ongoing needs of the Citizens' Advisory Committee on Student Integration as it prepares for implementation require the expansion of the staff and resources of the Student Integration Resource Office to accommodate the group's requirements for guidance and expertise.

The Student Integration Resource Office (SIRO) could prove an invaluable aid to the Citizens' Advisory Committee on Student Integration if a larger staff and budget were approved. If the CACSI is to assist the school district in refining the final plan and preparing for implementation, it will need the data, expertise, and affirmative guidance from an effective Student Integration Resource Office. The office is not currently equipped to provide the services that the CACSI's role would demand. Therefore, to ensure

continuing community involvement in the implementation process, the SIRO must be expanded so that community support and participation will be a meaningful exercise based on an understanding of the issues involved.

NOTES TO CHAPTER II

1. Minutes, Regular Meeting of the Los Angeles City Board of Education, Feb. 5, 1976 (hereafter cited as Board of Education Minutes).

2. Robert Docter, President, Los Angeles City Board of Education, letter to Robert Loveland, Chairperson, CACSI, Apr. 20, 1976.

3. Board of Education Minutes, Feb. 26, 1976. The organizations invited to nominate persons to the CACSI included the city council, religious organizations, civil rights groups, the chamber of commerce, employee organizations, parent groups, organized labor, the news media, public affairs groups, and organizations representing the district's major ethnic groups. In addition, each board member nominated three persons; the mayor and the 12 area superintendents sent representatives.

4. Robert Loveland, Chairperson, CACSI, letter to Robert Docter, President, Los Angeles City Board of Education, Apr. 15, 1976.

5. Robert Docter, letter to Robert Loveland, Apr. 20, 1976.

6. Diane Watson, school board member, testimony before the U.S. Commission on Civil Rights, hearing, Los Angeles, Calif., Dec. 13-15, 1976, transcript, pp. 844-45 (hereafter cited as Hearing Transcript).

7. Dudley Blake, Co-chairperson, Human Relations Subcommittee, CACSI, and June Shapiro, Co-chairperson, Criteria Subcommittee, CACSI, staff interviews, Los Angeles, Calif., Nov. 10, 1976.

8. Jean Cohen, Co-chairperson, Logistics Subcommittee, CACSI, staff interview, Los Angeles, Calif., Oct. 26, 1976. See also Blake and Shapiro interviews.

9. Arthur Schreiber and Marnesba Tackett, CACSI members, staff interviews, Los Angeles, Calif., Oct. 19, 1976; and Blake and Shapiro interviews.

10. Cathy Davis, CACSI member, staff interview, Los Angeles, Calif., Oct. 13, 1976.

11. Statement of Marnesba Tackett, Executive Director, Western Regional Division, Southern Christian Leadership Conference.

12. Roberta "Bobbi" Fiedler, CACSI member, staff interview, Los Angeles, Calif., Oct. 19, 1976.

13. Hearing Transcript, p. 219.

14. Testimony of Robert Loveland, Chairperson, CACSI, Hearing Transcript, pp. 116-17.

15. See testimony of James Taylor, Deputy Superintendent, LAUSD; Phillip Bardos, School Board member; and Julian Nava, President, Los Angeles City Board of Education, Hearing Transcript, pp. 786, 843, and 841, respectively.

16. Shapiro interview.

17. Testimony of James Taylor, Hearing Transcript, p. 786.

18. Testimony of Phillip Bardos, Hearing Transcript, p. 843.

19. Testimony of Julian Nava, Hearing Transcript, p. 841.

20. Robert M. Loveland, CACSI, letter to Frederick D. Dorsey, Assistant General Counsel, U.S. Commission on Civil Rights, May 5, 1977.

21. Testimony of Howard Miller, Hearing Transcript, p. 888.

22. Testimony of Robert Docter, Hearing Transcript, p. 891.

23. Cohen interview.

24. Testimony of Dr. George Edmiston, Director, Staff Integration Research Office, Hearing Transcript, p. 765.

25. George T. Edmiston, LAUSD, letter to Frederick D. Dorsey, Assistant General Counsel, U.S. Commission on Civil Rights, May 3, 1977.

26. Testimony of Dr. Edmiston, Hearing Transcript, p. 765.

27. Testimony of John Mack, Executive Director, Los Angeles Urban League, Hearing Transcript, p. 96.

28. Testimony of Julian Keiser, Co-chairperson, Criteria Subcommittee, CACSI, Hearing Transcript, p. 182.

29. Lt. Ronald D. Nelson, Director, Community Relations, Los Angeles Police Department, staff interview, Los Angeles, Calif., Nov. 9, 1976.

30. Fiedler Interview.

31. Patricia Simun, CACSI member, staff interview, Los Angeles, Calif., Dec. 2, 1976.

32. Board of Education Minutes, Feb. 26, 1976.

33. Robert M. Loveland, Chairperson, CACSI, staff interview, Los Angeles, Calif., Nov. 11, 1976. Most of the subcommittees had co-chairpersons, of whom at least one was not an appointed convenor. There is no merit to the assertion that the convenor selection process was responsible for the disproportionately small number of minority chairpersons.

34. A different view was expressed by three other CACSI members. One member suggested that the committee should have had greater representation from business, industry, higher education, and other influential segments of the community. He premised his remarks on his observation that experiences with desegregation demonstrate that desegregation works best when supported by the community's power structure. Another member was critical of the lack of representation from that portion of the Los Angeles community opposed to mandatory integration and forced transportation. A student member testified that the schedules of the various CASCI subcommittee meetings eliminated the participation of many students. Rabbi Harry Essrig, CACSI member, staff interview, Los Angeles, Calif., Oct. 26, 1976, and Fiedler interview; see also Hearing Transcript, p. 213.

35. Hearing Transcript, p. 217.

36. Armando Chavez, CACSI member, staff interview, Los Angeles, Calif., Nov. 12, 1976.

37. Blake interview.

38. Hearing Transcript, pp. 227-28. See also Annie Richardson, CACSI member, staff interview, Los Angeles, Calif., Nov. 19, 1976.

39. Ellen Endo and John Howell, CACSI members, staff interviews, Nov. 11 and 15, 1976, respectively.

40. Robert M. Loveland, Chairperson, CACSI, telephone interview, May 4, 1977.

41. Testimony of John Howell, Hearing Transcript, p. 484, and Betty Kozasa, Executive Director, Los Angeles Voluntary Action Center, Hearing Transcript, p. 566; Rose Lopez, Chairperson, Chicano Coalition Subcommittee, CACSI, staff interview, Los Angeles, Calif., Oct. 20, 1976, and Chavez interview.

42. Minutes, Regular Meeting of the Citizens' Advisory Committee on Student Integration, Dec. 14, 1976.

43. Richardson interview.

44. Ramiro Garcia, CACSI member, staff interview, Los Angeles, Calif., Nov. 12, 1976.

45. Hearing Transcript, pp. 172-73.

46. Staff Dcoument No. 51.

47. Robert Loveland, Chairperson, CACSI, letter to Julian Nava, President, Los Angeles City Board of Education, Nov. 22, 1976.

48. Loveland interview, Nov. 11, 1976.

49. Board of Education Minutes, Oct. 14, 1976.

50. The CACSI Preliminary Report was adopted by a vote of 42 to 6. Loveland telephone interview.

51. CACSI Preliminary Report.

52. Testimony of Howard Miller, Hearing Transcript, p. 847.

53. Los Angeles Times, Jan. 18, 1977, part I, p. 1, col. 5.

54. Los Angeles Times, Jan. 15, 1977, part I, p. 1, col. 5.

55. Los Angeles Times, Jan. 19, 1977, part I, p. 1, col. 5.

56. Los Angeles Times, Jan. 29, 1977, part II, p. 1, col. 5.

57. Los Angeles Times, Jan. 15, 1977, part I, p. 1, col. 5.

58. Los Angeles Times, Jan. 19, 1977, part I, p. 1, col. 1.

59. Ibid.

60. Los Angeles Times, Jan. 18, 1977, part I, p. 1, col. 5.

61. Los Angeles Times, Jan 19, 1977, part I, p. 1, col. 1.

62. Julian Nava, President, Los Angeles City Board of Education, letter to Robert Loveland, Chairperson, CACSI, Jan. 27, 1977.

63. CACSI Integration Plan, Mar. 3, 1977. This plan, adopted by a vote of 43 to 8 (Loveland telephone interview), states that it is an addition to and not a replacement for the CACSI Preliminary Report.

64. Los Angeles Times, Jan. 29, 1977, part II, p. 1, col. 5.

65. Phillip G. Bardos, member, Los Angeles City Board of Education, staff interview, Los Angeles, Calif., Oct. 19, 1976.

III. THE SCHOOL BOARD

Under the laws of the State of California, unified school districts are governed by boards of education[1] the responsibilities of which include determining school assignment policies, establishing geographic attendance zones, deciding sites for new schools, and creating or eliminating transfer options between schools.[2]

Upon assuming office, each board member takes a legal oath swearing or affirming "true faith and allegiance to the Constitution of the United States and the Constitution of the State of California" and binding him or her to "well and faithfully discharge the duties" of the office.[3]

The Supreme Court of the United States and the Supreme Court of California are the ultimate interpreters of the the respective Federal and State constitutions. On May 17, 1954, the U.S. Supreme Court determined that, under the U.S. Constitution, racially separate schools were inherently unequal and must be desegregated.[4] On June 28, 1976, the Supreme Court of California affirmed that the schools within the Los Angeles Unified School District were severely

segregated and that the school board bears a constitutional obligation, under the State's equal protection clause, to take reasonably feasible steps to alleviate such segregation.[5]

Julian Nava, Phillip Bardos, Richard Ferraro, Robert Docter, Kathleen Brown Rice, Diane Watson, and Howard Miller all swore or affirmed, as did their predecessors, to bear true faith and allegiance to constitutional precepts and principles including those enunciated in the Brown v. Board of Education of Topeka and the Crawford cases, the latter in which they were defendants. By continuing to refuse to uphold constitutional principles of school desegregation, a majority of the members have joined their predecessors in not only violating their solemn oaths of office, but also in relegating an entire generation of Los Angeles school children to an inherently unequal education.

FINDINGS

•A shifting majority of the members of the Los Angeles City Board of Education have violated their oaths of office by refusing for more than 13 years to take any affirmative steps to alleviate the segregation and racial isolation of students in the Los Angeles Unified School District.

The trial court, after hearing the Crawford case and finding that the Los Angeles school system was segregated,

determined that the school board would not, of its own accord, formulate and adopt a bona fide plan for the desegregation of the district's schools. Therefore, in 1970, the court ordered the board to develop and implement such a plan. The board appealed the court's order and, during the 6 years between the order and the State supreme court decision, took no affirmative action to alleviate the widespread segregation in the school district. Finally, 4 months prior to the decision affirming the findings of the Crawford case, the board created the Citizens' Advisory Committee on Student Integration to study the problem and make recommendations to the board.

The board's lack of action during the 13 years since the inception of the Crawford suit has raised serious doubts about its commitment to enforce desegregation law. One witness at the Commission's hearing expressed concern about the apparent lack of commitment to carrying out the court's mandate, saying:

> Thirteen years have elapsed. Just think about that. One whole generation of public school children has graduated from kindergarten through 12th grade. We have seen children proceed through the school district without any real attempt being made to implement that mandate. Indeed what distresses me most as a citizen and a lawyer is the patent denial by the Los Angeles School District that it does have an affirmative obligation to integrate.[6]

In 1963 the board approved a policy statement which reads, in part, as follows:

> ...the Board establishes a formal policy of providing equal educational opportunity for all pupils regardless of racial or socioeconomic background, recognizing that equal opportunity is best achieved in schools which provide pupils an opportunity for interaction with persons of differing cultures and ethnic backgrounds.
>
> In furtherance of this policy the Board recognizes an obligation to act positively within the framework of its educational responsibilities, at all levels and in all areas of the school system.[7]

The policy statement was fine. However, for 13 years the board refused to translate the rhetoric into action programs that would have provided equal educational opportunities to an entire generation of students. School board member Diane Watson said that the inaction was frustrating:

> The question that looms large in my mind is why wasn't the Los Angeles Unified School District doing something about its own matters. Why were we not integrating youngsters?...We were waiting to hear what the Supreme Court decided but, the real problem is with us, we can't shift that; we did not accept our responsibility to do something about the racial isolation and we could, in fact, have done it with some boundary changes and some other things. We are now forced into it and that's the only way it's going to get done.[8]

Through the years, the board has had ample opportunity not only to make some of these boundary changes, but also to incorporate meaningful integration components into existing programs. An ongoing district program which could have been

effectively used for integration purposes is the Permits With Transportation (PWT) program in which 10,000 district students participate. PWT was developed in 1972 to allow certain students to leave earthquake-damaged schools while they were being rebuilt and attend less crowded schools outside their neighborhoods. Permits for students to transfer from neighborhood schools are granted to relieve overcrowding in the neighborhood school and to allow the minority-majority student ratio at the receiving school to approximate the 30 percent minority-70 percent majority student ratio districtwide.[9] Since the district's overcrowded and earthquake-damaged schools are located primarily in the inner city where the school populations are mostly minority, the PWT program has become a voluntary one-way busing proposition for minority students in which some (relatively few) students have bus rides of longer than 1 hour.[10] Of the current participants in the PWT program, 85 percent are black, 10 percent are Hispanic, and 5 percent are Asian American.[11]

The school board and administration have consistently failed to take full advantage of the program's potential use as a tool for desegregation. Instead of encouraging voluntary transfers for any student whose transfer would contribute to the desegregation of the receiving school, the

school district has limited the program's availability to students transferring from specific designated inner-city schools to those in outlying areas. No attempt was ever made by the school board to expand the program to include issuing permits for the specific purpose of alleviating inner-city segregation. The Citizens' Advisory Committee on Student Integration had recommended an expansion into a "positive two-way program" in July 1976.[12] The board ignored the CACSI proposal to alter PWT and that program is still a one-way busing program with no meaningful integration element.[13]

In 1967 the board commissioned a district planning team for integration with a grant received under Title I of the Elementary and Secondary Education Act (ESEA). The team was instructed to "assess existing programs and explore new approaches dealing with de facto segregation" and, more specifically, "to study the efforts being made by the Los Angeles City School District to combat segregation and to explore other approaches to this problem."[14] The 11-member team, comprised of teachers, administrators, and staff from the school district working with outside consultants and experts, submitted its recommendations to the board in August 1967. The team's proposal included the following recommendations:

> That the Los Angeles City Board of Education immediately adopt a positive policy of racial and ethnic integration.
>
> That a District Integration Team be created....
>
> That plans for school integration be coordinated with a high level joint powers coordinating board to consist of leaders in education, government, religion, industry, finance, commerce, real estate, communication, law, medicine, etc.
>
> That local community involvement be ensured by establishing a city-wide Citizens' School Integration Committee.
>
> That a policy of administrative and faculty assignments be implemented so that each school would have an integrated staff.
>
> That schools on the perimeter of ghetto areas be paired or clustered and controlled enrollment be used to maintain racial balance.
>
> That highly efficient educational plants to serve as magnets in attracting and retaining both minority and majority students be established in strategic locations.[15]

These far-reaching proposals were preceded by an extensive demographic study of the district and recommendations regarding specially funded programs and the effect which student integration would have on such programs. Had the recommendations of the planning team been implemented, the district would be entering its 10th year of integration. The school board, however, took no action. One current board member observed that the board has vacillated over the years between doing nothing or actually fighting integration in the district.[16]

In February 1976, 9 years after the need for a broadly based citizens' committee was identified by the planning team, school board member Phillip Bardos proposed the formation of the Citizens' Advisory Committee on Student Integration.[17] Less than a month after the decision to establish a citizens' group to assist in the development of a desegregation plan, school board members Howard Miller and Kathleen Brown Rice introduced a motion prohibiting mandatory pupil transportation in the district.[18] The motion was passed. A week later, however, this action was reconsidered. A majority decided that it would be wise for the CACSI to begin its study before the board made any major policy limitations.[19]

The original instruction to the Citizens' Advisory Committee on Student Integration was to "prepare or react to any coherent single approach or set of approaches to a district wide effort to reduce racial isolation."[20] However, Dr. Robert Docter, then president of the school board, instructed the CACSI to draft a student integration plan[21] and his interpretation of the delineation of the CACSI's responsibility was generally accepted by the CACSI membership.[22]

The Citizens' Advisory Committee on Student Integration submitted its first interim recommendations to the board in

August 1976 including a proposal to expand the Permits With Transportation (PWT) program.[23] The board held hearings on these recommendations but took no action. It was, however, not surprising that the board failed to react to the recommendations. One school board member had little recollection of the CACSI's proposals, claiming in December that he thought that:

> ...after 9 months and over $200,000 we are entitled to a very solid set of strategies and recommendations. To my knowledge, all of that labor and funding has brought forth is a single sheet of paper with about 15 sentences on it.[24]

From the beginning there were those who thought that the school board, in establishing the Citizens' Advisory Committee on Student Integration, was stalling.[25] The board itself did little to dispel that perception. By October one board member was already predicting that the odds were relatively high that the board would not accept the CACSI's plan when it was presented.[26]

The mixed signals the Citizens' Advisory Committee on Student Integration was receiving from the board concerning its mandate increased as its deadline approached. Diane Watson testified at the Commission's hearing that, although she expected concepts and strategies from the CACSI to form the basis of the board's plan:

> ...it was never in my thinking that the CACSI would come in with a plan...the responsibility is on the shoulders of the school board.[27]

Philip Bardos maintained that "the mandate was to have that group of people prepare what they believed was a plan."[28] Howard Miller was waiting for recommendations for the board to digest and consider in developing its own plan[29] but Robert Docter still wanted "the guidelines of a general plan" from the CACSI.[30]

It was also apparent from the board's December testimony that the stage was being set for what the chairperson of the Citizens' Advisory Committee on Student Integration described as the "Thursday night massacre" [31] of the CACSI's plan in January. Various school board members, perhaps finally realizing that the CACSI fully intended to submit a bona fide, comprehensive plan for desegregating the district's schools, saw the necessity "for the board to retain the responsibility of devising the final plan"[32] and recognized that it was the board's "statutory responsibility to be the body that will present the court with a proposed integration plan."[33] This uncharacteristic willingness on the part of the school board to assume responsibility for alleviating the segregation in the district was, according to some community members, part of a scheme to undermine the

CACSI's integrity, stature, and intrinsic worth in order to thwart any kind of significant progress in integration.[34]

Five weeks elapsed from the time the school board began to get a "sense" of the CACSI's direction until the board emerged with the guidelines for its plan; 3 days elapsed from the time the CACSI submitted its recommendations until the board released the guidelines for its plan. The previously announced careful weighing, digesting, and analyzing of the recommendations of the CACSI and the promised public discussions of the issue[35] gave way to a late night executive session[36] from which the "integrated learning center" concept emerged[37] The CACSI's attempt to reduce racial isolation and alleviate segregation in the school district through a meaningful, bona fide integration plan was cast aside.[38]

In January 1977, after 13 years, a lengthy lawsuit, a planning team, and a citizens' committee, the school board decided to meet its responsibility to ensure equal educational opportunity for the next generation of Mary Ellen Crawfords by sending students from segregated schools to a multiethnic part-time class for 9 weeks a year.

RECOMMENDATION

•The school board should support desegregation with aggressive public actions which clearly commmit it to fulfill the letter and spirit of the law.

The Los Angeles City Board of Education should assume its rightful leadership role on the issue of ending racial isolation and move into the forefront, aggressively implementing a meaningful desegregation plan. Because they are the policymakers for the district, board members should work to develop a united front, based on principle not compromise. The magnitude of the board's legal and moral responsibilities--as explained in Crawford--are certainly clear to board members. They should endeavor to ensure that these responsibilities be discharged without regard to political considerations. School integration in Los Angeles is a volatile issue, one which demands forceful, positive leadership. The burden is on the board to take the critical step of making an all-out commitment to the citizens of Los Angeles so that their children will be afforded the opportunity for an equal education.

NOTES TO CHAPTER III

1. Cal. Educ. Code §1201.

2. Crawford v. Los Angeles City Board of Education, 551 P. 2d 28, 36 (1976).

3. Cal. Const. art. 10, §3.

4. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954).

5. 551 P. 2d 28 (1976).

6. Samuel C. Sheats, Administrative Law Judge, State of California, testimony before the U.S. Commission on Civil Rights, hearing, Los Angeles, Calif., Dec. 13-15, 1976, transcript, pp. 920-21 (hereafter cited as Hearing Transcript).

7. Minutes, Regular Meeting of the Los Angeles City Board of Education, May 20, 1963 (hereafter cited as Board of Education, Minutes).

8. Testimony of Diane Watson, Hearing Transcript, p. 870.

9. Marvin H. Borden, Administrative Consultant and Coordinator, Permits With Transportation (PWT) Program, LAUSD, staff interview, Los Angeles, Calif., Nov. 12, 1976.

10. Testimony of Jean Cohen, CACSI, Hearing Transcript, p. 194.

11. Los Angeles Times, Mar. 24, 1977, part I, p. 1, col. 5.

12. Robert Loveland, Chairperson, CACSI, letter to Julian Nava, President, Los Angeles City Board of Education, Aug. 4, 1976, and CACSI Preliminary Report.

13. This criticism refers solely to the board's response to the CACSI's July 1976 interim recommendation regarding the PWT program. It is not intended to apply to the board's reaction to the CACSI Preliminary Report of January 1977.

14. Report of the District Planning Team to the Los Angeles City Board of Education (Summer 1967), p. 4.

15. Ibid., pp. 139-46.

16. Diane Watson, member, Los Angeles City Board of Education, staff interviews, Los Angeles, Calif., Oct. 19 and 21, 1976.

17. Board of Education, Minutes, Feb. 5, 1976.

18. Board of Education, Minutes, Mar. 1, 1976.

19. Testimony of Kathleen Brown Rice, Hearing Transcript, pp. 849-50.

20. Board of Education, Minutes, Feb. 5, 1976.

21. Robert Docter, President, Los Angeles City Board of Education, letter to Robert Loveland, Chairperson, CACSI, Apr. 20, 1976.

22. Robert M. Loveland, staff interview, Los Angeles, Calif., Nov. 11, 1976.

23. Robert Loveland, letter to Julian Nava, Aug. 4, 1976.

24. Testimony of Howard Miller, Hearing Transcript, p. 888.

25. Jackie Goldberg, Integration Project, staff interview, Los Angeles, Calif., Nov. 10, 1976.

26. Phillip G. Bardos, member, Los Angeles City Board of Education, staff interview, Los Angeles, Calif., Oct. 19, 1976.

27. Testimony of Diane Watson, Hearing Transcript, p. 846.

28. Testimony of Phillip Bardos, Hearing Transcript, p. 842.

29. Testimony of Howard Miller, Hearing Transcript, p. 847.

30. Testimony of Robert Docter, Hearing Transcript, p. 890.

31. Los Angeles Times, Jan. 19, 1977, part I, p. 1, col. 5.

32. Testimony of Howard Miller, Hearing Transcript, p. 846.

33. Testimony of Julian Nava, Hearing Transcript, p. 842.

34. Jackie Goldberg testimony, p. 518; Dudley Blake, member, CACSI; June Shapiro, member, CACSI; and Marnesba Tackett, member, CACSI; staff interviews, Los Angeles, Calif., Nov. 10, and Oct. 19, 1976.

35. Howard Miller testimony, p. 846.

36. Los Angeles Times, Jan. 13, 1977, part II, p. 1, col. 5.

37. Los Angeles Times, Jan. 15, 1977, part I, p. 1, col. 1.

38. Ibid.

IV. SCHOOL ADMINISTRATION

FINDINGS

•The Los Angeles Unified School District is characterized by racially and ethnically isolated students, racially and ethnically identifiable schools, unequal and overcrowded facilities at predominantly minority schools, and low academic achievement by minority children.

Of the nearly 600,000 students in the district, only about 100,000 attend integrated schools.[1] Students in schools in the northern part of the school district are predominantly white; those in schools in the southern part are predominantly members of minority groups. The average school in the north has a population of 736; in the south, 978.[2] The only schools in split session are those in which the population is almost exclusively minority.[3] Schools in the south of the district are older and many are earthquake-impacted (in the area of an earthquake fault).[4] Faculty assignments are made on the basis of teacher-student ratios and during the first month of the 1976-77 school year schools in the predominantly white San Fernando Valley area

had an excess of teachers because of the valley's declining student population.[5] One administrator testified that the inner-city schools in the district have "more than their share" of substitute teachers,[6] some, though not all, of whom are inexperienced.[7]

The children in schools with high minority enrollment in the district score lower in reading ability than do those in schools with mostly white students. For instance, in 1971, of the 173 elementary schools that had predominantly minority students, 150 schools had sixth-grade children reading at the third-grade level. In the 5-year period that followed, minority students' scores rose from the 16th to the 31st percentile on a national norm,[8] but the children from predominantly black schools still scored below the 25th percentile.[9] Although these black children show no impaired ability upon entering the first grade as compared to their white counterparts, their achievement scores are lower by the time they reach third grade.[10] At the sixth-grade level most Hispanic students are still reading below the 30th percentile (on a national norm).[11] According to the testimony of one witness, Hispanic children are also disproportionately represented in classes for the educationally disadvantaged and the mentally retarded.[12]

Many district high school students, especially minority students, are unable to complete such simple forms as job applications and statements of income.[13] According to one study, there are disparities between the aptitude scores of students in predominantly minority schools and those in majority schools which could be remedied by placing minority students in an integrated setting. Such placement has been known to result in rapid improvement of skills.[14]

•Although the superintendent and his high- and mid-level staff publicly support the concept of integration, there have been no significant visible efforts or achievements toward integration.

The superintendent and most high-level administrators have expressed their commitment to the idea of an integrated school system.[15] The deputy superintendent testified at the hearing that he subscribes to the principles enunciated in Brown.[16] The associate superintendent for instruction testified that integration would provide an opportunity for improvement in curriculum and instruction.[17] Other district staff have expressed similar sentiments.[18] However, these expressions of commitment have not been accompanied by administrative actions aimed at eliminating segregation in the Los Angeles school system.

Mid-level administrators appeared to define their roles in relation to school desegregation cautiously[19] and narrowly. Many, on their own initiative, arranged interaction between minority and majority teachers,[20] held meetings with staff and parents to emphasize a positive approach to integration, and attempted to educate staff and parent groups on the issues involved in desegregation.[21]

Others, however, have admittedly done nothing to prepare staff or community for the inevitability of desegregation.[22] One administrator who, with his staff, informally began to assess the potential effect of desegregation on instructional programs, was discouraged from pursuing this inquiry when he received complaints that he was developing a plan for desegregation.[23] Necessarily guided by the school board's policies and objectives, the superintendent and high-level administrators have reflected the board's dilatory strategy on school desegregation.

There were some positive actions taken by the superintendent such as the creation of a clergy advisory committee composed of the heads of approximately 30 different religious denominations. This committee, which met with the chairperson of the Citizens' Advisory Committee on Student Integration and with several school board members, expressed support for the desegregation of the

district's schools. Another significant entity developed at the initiative of the superintendent was the Citizens' Committee. This group of area business leaders, created shortly before the Commission's hearing, will be sponsoring speakers on desegregation, controlling rumors, and preparing and disseminating materials on the issue.

In an effort to enlist support for desegregation, the superintendent has also met with religious leaders, chamber of commerce officers, a representative of the mayor's office, and with other community groups. Local media management were also contacted by the superintendent with one station agreeing to produce and telecast a news program on student integration.[24]

•The school administration failed to make its technical resources and expertise available to the Citizens' Advisory Committee on Student Integration. The assistance given was inadequate, and the district's hands-off approach impeded the collection of critical information by the CACSI.

The Citizens' Advisory Committee on Student Integration is composed of citizen volunteers, many of whom have been involved in the district's schools, but almost none of whom, at the outset, had special training or expertise in either school desegregation generally or the district's intricate administrative system particularly. Given this initial

limited awareness by the CACSI membership of the kinds and sources of information needed, the passive approach of the school administration was inadequate to meet the CACSI's needs. Consequently, the CACSI was severely hampered by a lack of consistent, systematic, and freely offered technical advice and assistance from the school administration.

The assistance that the Citizens' Advisory Committee on Student Integration did receive was from the Student Integration Resource Office (SIRO). Created by a board resolution in January 1976, SIRO was established to: (1) assist CACSI by serving as a staff support unit; (2) communicate to district staff all decisions and developments regarding student integration; (3) coordinate the gathering of data for CACSI from district administrative offices; and (4) serve as a source of information for the community.[25]

The Student Integration Resource Office has performed three major tasks, all at the request of the Citizens' Advisory Committee on Student Integration. The office designed a questionnaire and conducted a survey of 35 major school districts throughout the country where desegregation plans have been implemented in order to advise the CACSI of desegregation plan alternatives. SIRO prepared a slide presentation of projected student population growth, which showed that by 1981 the student population will be 41

percent Hispanic. SIRO also conducted an ethnic survey of students at the request of the CACSI.[26]

In the early stages of the Citizens' Advisory Committee on Student Integration's work, the staff of the Student Integration Resource Office was supplemented by 12 community persons appointed as liaisons by the area superintendents. In late October 1976 (3 months prior to the due date of the CACSI plan), the school board approved the designation of one principal, one teacher, and one counselor from each administrative area as additional resource staff for the CACSI.[27]

Although this was the extent of official administrative contact with the Citizens' Advisory Committee for Student Integration, various members of the staff communicated with the group informally. One associate superintendent informed the CACSI of his desire to know as early as possible what desegregation plans were under consideration so that he could attempt to measure their effect on instructional programs; CACSI provided him with the materials it was reviewing.[28] Another administrator gave specific suggestions to the CACSI for ways to bring about integration.[29] However, one area superintendent admitted that he had not seen his area representative to the CACSI for several months and that he had not had any contact with the committee.[30]

District interaction with the Citizens' Advisory Committee on Student Integration was influenced by three important factors: The superintendent's policy of giving complete independence to the CACSI; little assistance rendered by district staff; and no significant initiative by district staff in support of the CACSI.

This passive relationship to the CACSI set the pattern for the administration. Each administrator awaited leadership from the board on the question of desegregation, but there was none. The absence of such leadership set the stage for the superintendent's endorsement of the board's January guidelines rather than the plan proposed by the CACSI. Although he reiterated that he personally favors integration because "kids who do not have this opportunity are deprived" of experience they will need "to function in the real world," he nonetheless supported the board's more limited guidelines,[31] which would effect substantially less integration than the CACSI plan.[32]

•In planning for school desegregation, the administration has failed to qualify for available Federal resources which could have facilitated integration planning and it has underutilized its own internal resources in preparation for implementation of desegregation.

The Department of Health, Education, and Welfare denied the district funding under Title IV of the Civil Rights Act of 1964,[33] which provides for special training institutes designed to improve the ability of teachers, supervisors, counselors, and other elementary or secondary school personnel to deal with educational problems arising from desegregation. The act also provides for inservice teacher training to solve desegregation-related problems.[34]

Title IV funds, awarded on a competitive basis among districts throughout the country, were denied to the Los Angeles Unified District because it did not rank high enough in relation to other districts which applied. According to one HEW representative who participated in the decision to deny funds, the ranking resulted from the poor quality of the district's proposal.[35] The Bureau of Intergroup Relations (BIR)--the State department of education unit responsible for providing local districts with assistance in developing Title IV proposals upon request--was not asked to provide the district with any assistance.[36]

The Emergency School Aid Act (ESAA) provides funds to desegregating school districts for remedial programs, additional staff, inservice training, student counselling, curriculum development, and program planning.[37] Since 1973 the district's applications for ESAA money have been denied

because of the district's failure to comply with ESAA and Title VI requirements.[38] Although the district is now implementing a faculty desegregation plan approved by HEW and scheduled to be completed by 1978,[39] the district was notified by HEW in December 1976 that ESAA eligibility was still not assured.[40] The district's ESAA application, submitted in January 1976, was rejected by the U.S. Office of Education (HEW) as incomplete because there was no student integration plan attached.[41]

The superintendent did not direct the energies of his sizeable staff toward the formulation of a plan to remedy the system's segregation.[42] The district reserved this task exclusively for the Citizens' Advisory Committee on Student Integration. The administration's role was characterized as an attempt to be ready for whatever plan is ultimately adopted.[43] However, one basic assessment essential to desegregation implementation is a meaningful analysis of the impact of various integration alternatives on the educational programs offered by the district.[44] The district has conducted no such analysis.

Formation of the Committee for Strengthening Instructional Programs (CSIP) exemplified the passive and dilatory approach of the school administration to integration planning. This committee, a task force compo[illegible]d

of district administrators and teachers, was created to improve instructional programs in an integrated school system.[45] The school board approved an appropriation of $115,000[46] to the CSIP so that, for a 3-month period, it could evaluate district programs and assess the feasibility of various integration techniques (e.g., pairing, reorganizing feeder schools, consolidating and closing of some schools, clustering, maintaining year-round schools, and creating magnet schools as incentives for voluntary integration)[47] in light of these programs. The CSIP was directed to make its findings available to the Citizens' Advisory Committee on Student Integration and the board. The superintendent testified at the hearing that the Committee for Strengthening Instructional Programs should have begun work in the summer of 1976;[48] it was not organized until after the school year had begun. This committee represents the district's only effort to address the likely impact of desegregation on its existing programs.

The administration has also failed to use its own resources to ease the desegregation process. Little has been done to prepare staff and teachers for multicultural educational experiences, despite the provisions of the "3.3 program" requiring teachers and administrators to take a general ethnic culture class and specific ethnic educational

courses to qualify for salary increases.[49] The districtwide inservice training program has also been criticized for failing to incorporate training, education, or counselling to deal with teachers' racial or ethnic fears and prejudices.[50]

According to one area superintendent:

> Although the Board of Education did not initiate programs in the early phases of the discussions about student integration in order to staff develop teachers so that they might view desegregation positively, District policy does permit Area administrators to utilize independent judgment and to develop inservice training which meets the specific needs of that Area. In our Area, consistent with Board policy, steps were taken to provide this type of inservice training for all administrators and all teachers.[51]

Efforts have been made by some individual area superintendents and principals to prepare teachers for integration. One area administrator invited the Staff Director of the U.S. Commission on Civil Rights to speak to a group of 500 teachers and parents on the constitutional mandate of desegregation.[52] Another area administrator set up an orientation for new minority teachers transferred to his area.[53] One local principal of a minority high school with mostly minority students instituted an orientation program for transferred teachers by pairing new teachers with veteran teachers in their assigned academic departments. The principal also arranged for a parent group

and student leaders to provide the new teachers with information about the community and the student body.[54]

The "Human Ties" program, initiated by the Area J superintendent for his teaching and administrative staff and subsequently extended to include another administrative area, began as a series of staff development workshops held on shortened work days to educate teachers and administrators about methods to improve the racial and ethnic attitudes, perceptions, and behaviors of students and staff members. The program is supported by seven monographs, each presenting educational objectives with strategies for its implementation. Human Ties instruction is required of every principal and teacher from every elementary school in Area J. Participants in the 16-hour seminar are encouraged to return to their schools and classrooms and use their training. This program could be used more extensively as a meaningful tool for teacher training.[55]

The administration's failure to employ its inservice training program and transportation office to prepare staff and teachers for the implementation of a desegregation plan was an underutilization of valuable resources which could have eased the transition from a racially isolated to an integrated school system.

•The Los Angeles Unified School District received funds under Federal and local programs to provide compensatory instruction to economically and educationally disadvantaged children, children who are limited-English-speaking (LES) and non-English-speaking (NES), and American Indian children. The administration has neglected to evaluate the effect that school desegregation plans may have on these programs.

District staff have expressed the view that meaningful study of the effects of school desegregation on special educational programs is contingent on the details of the desegregation plan adopted.[56] Since the district has maintained a position of noninvolvement with the desegregation planning process,[57] the results has been an important delay in the school district's evaluation of the effect of various desegregation options and techniques on special educational programs.[58] In addition, administrators have noted the possibility of serious disruption to these programs designed to meet the special needs of disadvantaged students as a result of student integration.[59] Such statements reinforce community fears about the negative potential of school desegregation and these fears are escalated by the district's failure to provide any suggested solutions except de minimis desegregation.[60]

As a result of the administration's failure to take positive steps to implement its commitment to special programs, the continuation of several federally-funded programs has been jeopardized. This is particularly important in programs under Titles I and VII of the Elementary and Secondary Education Act (ESEA).[61] It is also true of programs funded under Title IV of ESEA.[62] These programs, which have been operating for several years, are now vital elements of the district's total educational program. Title I provides funds to school districts to finance compensatory programs for disadvantaged children and focuses upon developing skills in such basic areas as reading and mathematics.[63] Title VII, which funds bilingual-bicultural programs,[64] is being used by the district to provide instruction in Spanish, Cantonese, Korean, Samoan, and the Pilipino language (Tagalog). Under this program, four district schools are completely bilingual and others offer the "Strand" program--one bilingual class at each grade level.[65] Title IV of ESEA, the Indian Education Program,[66] provides funds to Indian children for cultural enrichment and supplemental education. In addition to the obvious curriculum benefits of these programs, they also account for $30 million in Federals funds, an amount of critical economic importance to the district.[67]

HEW has determined that Title I funds cannot "follow the child" after desegregation; that is, if a child is eligible for and receiving benefits at a Title I target school, and that child is transferred to an ineligible school as a result of desegregation, that child will not be eligible for Title I benefits.[68] If a school is eligible for Title I programs as a result of its ranking, that school remains eligible even if all or most of its Title I children are transferred under a desegregation plan, until schools are re-ranked. Because Title I requires a minimum number of eligible students, a Title I eligible school which loses most of its Title I children as a result of desegregation would not be permitted to provide Title I benefits to remaining eligible children.[69]

The level of districtwide funding is not affected by desegregation, although the actual students served may change. Currently, there are children eligible for Title I benefits who are not receiving such benefits because they attend an ineligible school. After desegregation, it is possible that eligible students not now receiving benefits will be attending an eligible school and consequently get Title I benefits; some eligible students now receiving benefits will be transferred to an ineligible school and will no longer receive such benefits.

HEW's regional staff considers about 10 students, or one-third of a particular grade level, as a requisite number of children needing bilingual education to receive Title VII funds. The 10-student minimum is based largely on programs now in operation; applications which offer a good plan for the development of a program with fewer students would be considered.[70] As a result, no disruption of these programs need occur. However, Title VII is a "competitive program"--that is, points are assigned to applications based upon the degree to which the program design meets established criteria.[71] Also, unlike Title I programs, Title VII funds depend upon the school's proposal ranking among all applicants for such funds and not upon the ranking of schools by student needs. It is therefore the district's responsibility to assure that it submits a competitive proposal for Title VII money and allocates that money to schools having the greatest need.

Title IV regulations require that a district have at least 10 American Indian children enrolled in its schools to be eligible for the Indian Education Program grant. The district's Parent Advisory Committee requires that a school must have at least eight American Indian students in attendance to be eligible for the program. Several schools may, however, cluster together to make up the necessary

eight students,[72] so that there should be no disruption in funding even if some American Indian students are reassigned under a desegregation plan.

RECOMMENDATIONS

•The Los Angeles Unified School District should commit its educational and administrative expertise and resources to the elimination of racial and ethnic isolation in its schools, and assure the public that every effort will be made to ensure the high quality of education.

The most widely cited concern of all communities within the district is that the quality of education not be adversely affected by desegregation. Experience suggests that the success of student integration will depend in large part on the district's ability to preserve and improve the quality of education throughout the school system. Obviously, this is no small task in any segregated district and it is a more formidable one in the Los Angeles district because of its size and complexity. However, it is imperative that the district abandon its historical tendency to ignore, delay, circumvent, and avoid its responsibility to eliminate segregation. Nothing short of a total commitment by the district to quality integrated education offers any hope of mitigating the concern of all parents for the academic future of their children.

•The school district should recognize the inferior quality, both physically and educationally, of most of the minority-populated schools and should develop a practical and effective program to upgrade those schools immediately.

Much testimony and information was received in the course of the Los Angeles school desegregation investigation and hearing which outlined the poor conditions in the inner-city and minority-populated schools. These conditions include overcrowding, low academic achievement, and generally poor facilities, some of which do not meet earthquake safety standards. Parental resistance to desegregation will remain understandably high as long as unsafe buildings exist with poor academic programs. Children who attend inner-city schools, either because of neighborhood attendance or an integration-related assignment, should be given a reasonable chance to learn with equal educational opportunity. Whereas inner-city schools are crowded, valley schools are underpopulated. The process of balancing student enrollment throughout the school district would produce a meaningful step toward desegregation. It would also equalize the burden that so far has been borne solely by the minority community.

•The district should evaluate its Permits With Transportation (PWT) program in light of the recommendations

of the Citizens' Advisory Committee on Student Integration and the (PWT) program's present minimal impact. Any use of the program should be consistent with the desegregation plan adopted.

The school district should assess the Permits with Transportation program in the context of the final desegregation plan and determine whether the program would enhance or undermine a comprehensive plan. The PWT program is a potentially valuable adjunct to meaningful desegregation, but the CACSI has determined that the program as it now exists is detrimental to its plan. If expanded to include two-way transportation, the PWT program could be of significance. The problem which the district has experienced thus far with PWT and other voluntary programs for integration is that such programs have been attempted only on the most limited scale. An immediate expansion is warranted. A careful analysis of the effectiveness fo the program will determine whether the program can and should be expanded.

•The district should expand its desegregation planning to ensure preparedness for a court-ordered plan more extensive than that currently projected by the board. It should:

(1) Reorder priorities so that integration-related and integration-affected programs receive immediate attention.

(2) Immediately effect changes to comply with nondiscrimination requirements for entitlement to Federal funds.

(3) Develop a comprehensive and effective human relations program for all staff so that all parents may be secure in the knowledge that in every school the children will be treated with dignity and concern.

It is the responsibility of the school administration to know, in advance of the implementation of any desegregation plan, the potential impact of that plan on its programs. Impact studies have not been utilized to give the district the knowledge it needs to plan effectively for and carry out student desegregation. That failing is a major one, for without a knowledge of the effect of desegregation on its programs, the district may fail to adhere to its duty of providing for every child the education which is suited to his or her needs.

With regard to its Federal compensatory programs, the district must take care to reassign students under its desegregation plan so that they continue to receive whatever special assistance they require. For the Title I

compensatory education program, the district must make any pupil reassignments sufficiently in advance of the annual re-ranking of schools so that schools with eligible children do not have to wait for a subsequent re-ranking to receive funds. For the Title VII bilingual program and Title IV of the Indian Education Act, the district must concentrate students in sufficient numbers so that the feasibility of funding a particular school's program can be demonstrated.

It is likewise the responsibility of the school administration to satisfy Federal funding prerequisities so that every available resource can be marshaled for the operation of a quality educational system. The district must demonstrate that it is in compliance with Federal prohibitions against discrimination in the assignment of both personnel and students. Additionally, the district must submit proposals for those programs which are funded competitively (i.e., Title VII of ESEA and Title IV of the Civil Rights Act) so that its need is clearly demonstrated and that the merit of its program is unmistakable. To fail to take advantage of available Federal funds or, more important, to jeopardize Federal funds already coming to the district, would demonstrate a serious lapse in leadership on the part of the district's administration. The extent to which these programs suffer depends on whether the

administration plans for and effectuates desegregation so as to preserve the program benefits. Any loss in funding to any school or student is more likely to be the result of poor administrative performance rather than a natural consequence of the desegregation of the district's schools.

Programs which can positively influence teacher and staff attitudes have been underutilized. The inservice training program can, with some adaptation, emphasize on the development of positive attitudes toward children of racial or ethnic minority groups. Inservice training can also be utilized to promote the development of acceptance by all students of racial and ethnic differences. Continued underutilization of such training will lead to classroom atmospheres where the potential for learning is diminished.

•The district should combine staff and student integration planning to coordinate racial and ethnic reassignments of both teachers and students. This planning must include a making more effective effort toward affirmative action in hiring and toward increasing the number of bilingual teachers through both hiring and the offering of incentives to current staff to become bilingual.

In effectuating its staff and student integration plans, the district should not overlook the value to minority children of role models from their same racial or

ethnic group. Efforts should be made to assign minority teachers and students in a manner that prevents isolation from other members of their minority groups while affording them an integrated education. Equally imperative is the need for increasing the number of bilingual teachers. The district must make every effort to hire bilingual teachers and to train its existing staff to teach bilingual students. Since inservice training is already mandatory for teachers to qualify for salary increases, making language instruction a part of the training program would not require extensive modification.

NOTES TO CHAPTER IV

1. Testimony of Dr. William Johnston, Superintendent, Los Angeles Unified School District, before the U.S. Commission on Civil Rights, hearing, Los Angeles, Calif., Dec. 13-15, 1976, transcript, p. 816 (hereafter cited as Hearing Transcript).

2. Testimony of Marnesba Tackett, Executive Director, Southern Christian Leadership Conference, Hearing Transcript, p. 83.

3. Testimony of Ramona Ripston, Executive Director, American Civil Liberties Union of Southern California, Hearing Transcript, p. 82. One school in a predominantly minority area has five lunch periods because it is so crowded. John Lingel, Area F Superintendent, LAUSD, staff interview, Los Angeles, Calif., Nov. 9, 1976.

4. Tackett testimony, p. 83.

5. Robert W. Lamson, Area I Superintendent, LAUSD, letter to Richard Baca, General Counsel, U.S. Commission on Civil Rights, May 5, 1977.

6. Testimony of Frederick Dumas, Area J Superintendent, LAUSD, Hearing Transcript, p. 727.

7. Testimony of Dr. Sidney Brickman, Area B Superintendent, LAUSD, Hearing Transcript, p. 728.

8. Testimony of Rev. Vahac Mardirosian, Executive Director, Hispanic Urban Center, Hearing Transcript, p. 561-62.

9. Testimony of Grace Montanez Davis, Deputy Mayor of Los Angeles, Hearing Transcript, p. 174.

10. Tackett testimony, p. 70.

11. Testimony of Frank M. Garcia, Executive Director, Los Angeles Center for Law and Justice, Hearing Transcript, p. 74.

12. Ibid., p. 60.

13. Testimony of Armando Chavez, Mexican American Education Commission, Hearing Transcript, p. 235.

14. Testimony of Annie Richardson, Title I Representative from Area E to the CACSI, Hearing Transcript, p. 235.

15. Johnston testimony, p. 816.

16. Testimony of Dr. James Taylor, Deputy Superintendent, LAUSD, Hearing Transcript, pp. 796-97.

17. Testimony of Dr. Harry Handler, Associate Superintendent, LAUSD, Hearing Transcript, p. 805.

18. Testimony of John Leon, Associate Superintendent, LAUSD, Hearing Transcript, p. 797, and testimony of Jerry Halverson, Associate Superintendent, LAUSD, Hearing Transcript, p. 797.

19. This caution has been acknowledged by one area superintendent who explains it as being "based on the absence of a court approved definitive desegregation plan, and the communities' apparent perception that 'a secret plan' has been designed and 'will be imposed upon them' or that they will be asked to 'sign a blank check.' The mid-level administrator finds himself struggling to maintain credibility with the community." Tony E. Rivas, Area L Superintendent, LAUSD, letter to Frederick D. Dorsey, Assistant General Counsel, U.S. Commission on Civil Rights, Apr. 26, 1977.

20. Josie Bain, Area D Superintendent, LAUSD, staff interview, Los Angeles, Calif., Oct. 21, 1976.

21. Ibid.; Richard Cooper, Area E Superintendent, LAUSD, staff interviews, Los Angeles, Calif., Oct. 21, and Nov. 20, 1976; Wilson Jordan, Area K Superintendent, LAUSD, staff interview, Los Angeles, Calif., Oct. 21, 1976; William Anton, Area G Superintendent, LAUSD, staff interview, Los Angeles, Calif., Oct. 20, 1976; and Tony E. Rivas, Area L Superintendent, LAUSD, staff interview, Los Angeles, Calif., Oct. 20, 1976.

22. John J. Lingel, Area F Superintendent, LAUSD, staff interview, Los Angeles, Calif., Nov. 9, 1976. According to Mr. Lingel, "a comprehensive staff development program has

been designed and implemented throughout the district to help prepare staff and community for school desegregation. Every school, office and administrative unit in the school district is involved in the staff development program with continuous participation and involvement being emphasized on an ongoing basis." John J. Lingel, Area F Superintendent, LAUSD, letter to Frederick D. Dorsey, Assistant General Counsel, U.S. Commission on Civil Rights, Apr. 27, 1977.

23. Harry Handler, Associate Superintendent for Instruction, LAUSD, staff interview, Los Angeles, Calif., Oct. 21, 1976.

24. William Johnston, Superintendent, LAUSD, staff interview Los Angeles, Calif., Nov. 18, 1976.

25. Zane Meckler, SIRO Advisor, LAUSD, and James Taylor, Deputy Superintendent, LAUSD, staff interviews, Los Angeles, Calif., Oct. 18 and 19, 1976, respectively.

26. Ibid.

27. Taylor interview.

28. Handler testimony, pp. 780-81.

29. Bain interview.

30. Robert W. Lamson, letter to Richard Baca, May 5, 1977. This superintendent did subsequently arrange a series of evening meetings at the request of the Area CACSI representative so that parents could be given progress reports on the CACSI activity.

31. Los Angeles Times, Jan. 20, 1977, part I, p. 3, col. 1.

32. Ibid.

33. Testimony of Alfred Villa, Assistant Regional Commissioner for Elementary and Secondary Education, OE, HEW, Hearing Transcript, p. 665.

34. 42 U.S.C. 2000c(1970). See also, 45 C.F.R. §181.01 et seq.

35. Villa testimony, p. 655.

36. L. Fredrick Fernandez, Consultant, Office of Intergroup Relations, State of California Department of Education, letter to Frederick D. Dorsey, Assistant General Counsel, U.S. Commission on Civil Rights, May 2, 1977.

37. 20 U.S.C. §1601 et seq. See also Ted Neff, Consultant, Bureau of Integroup Relations, California State Department of Education, staff interview, Los Angeles, Calif., Nov. 3, 1976.

38. Ron Prescott, Office of Government Relations, LAUSD, staff interview, Los Angeles, Calif., Oct. 14, 1976.

39. Johnston testimony, pp. 829-30.

40. Floyd Pierce, Director, Region IX, OCR-HEW, letter to William Johnston, Superintendent, LAUSD, Dec. 9, 1976.

41. Herman Goldberg, Associate Commissioner for Equal Opportunity Programs, Office of Education, HEW, letter to William J. Johnston.

42. Taylor testimony, p. 800.

43. Taylor interview.

44. U.S. Commission on Civil Rights, Fulfilling the Letter and Spirit of the Law, 2d printing (1976), p. 89.

45. Formal proposal for the Committee for Strengthening the Instructional Program, from William J. Johnston, Superintendent, LAUSD, to the Los Angeles City Board of Education, Nov. 1, 1977.

46. Johnston testimony, p. 815.

47. Lingel interview.

48. Johnston testimony, p. 815.

49. Cal. Educ. Code §13344 (West).

50. Testimony of Walter Jones, Tri-Chairperson, Black Education Commission, Hearing Transcript, p. 498.

51. Frederick J. Dumas, Area J Superintendent, LAUSD, letter to Frederick D. Dorsey, Assistant General Counsel, U.S. Commission on Civil Rights, Apr. 29, 1977.

52. Brickman testimony, p. 716.

53. Jordan interview.

54. Daniel Austin, Principal, Crenshaw High School, LAUSD, staff interview, Los Angeles, Calif., Oct. 29, 1976.

55. Maxine R. Mitchell, Administrative Consultant, Area J, LAUSD, letter to Gail Gerebenics, Staff Attorney, U.S. Commission on Civil Rights, Apr. 28, 1977.

56. Testimony of Shizuko Akasaki, Assistant Superintendent, Compensatory Instructional Programs Division, LAUSD; and testimony of John Leon, Hearing Transcript, pp. 679 and 781 respectively.

57. Johnston testimony, p. 815.

58. Taylor testimony, pp. 786, 787, and 800.

59. Testimony of Mirta Gonzales Feinberg, Coordinator, Bilingual Education, LAUSD; Shirley Hendricks, Teacher Coordinator, Indian Education Program, LAUSD; Robert R. Rangel, Director, Bilingual Bicultural/ESL Program, LAUSD; and Shizuko Akasaki, Hearing Transcript, pp. 690-91; 687-88; 671, 695; and 693-94, respectively.

60. Shirley Hendricks, staff interview, Los Angeles, Calif., Nov. 23, 1976.

61. 20 U.S.C. §241 et seq.

62. Pub. L. 92-318, 86 Stat. 335.

63. 20 U.S.C. §241a.

64. 20 U.S.C. §241 et seq.

65. Mirta Gonzales Feinberg, Coordinator, Bilingual Programs, LAUSD, Hearing Transcript, p. 668, and staff interview, Los Angeles, Calif., Nov. 19, 1976.

66. Pub. L. 92-318, 86 Stat. 335.

67. In the school year 1976-77, the LAUSD received a grant of more than $28 million for Title I, ESEA (Jan Williams, Regional Program Specialist, Title I, Region IX, OE, HEW,

telephone interview, Feb. 10, 1977); $1.5 million for Title VII, ESEA (Feinberg interview); and $465,000 for Indian Education Programs, Title IV, ESEA (Shirley Hendricks, Teacher Coordinator, Indian Education Program, LAUSD, staff interview, Los Angeles, Calif., Nov. 23, 1976).

68. Testimony of Jan Williams, Hearing Transcript, p. 650.

69. Ibid., p. 655.

70. Elizabeth Keesee, Chief, Western Area Programs, Office of Bilingual Education, OE, HEW, letter to Richard Baca, General Counsel, U.S. Commission on Civil Rights, Apr. 27, 1977.

71. Ibid.

72. Feinberg testimony, pp. 669-70; testimony of Shizuko Akasaki, Assistant Superintendent, Compensatory Instructional Programs Division, Hearing Transcript, p. 676.

V. COMMUNITY

FINDINGS

•Several community organizations have expended much time and energy with the aim of preparing for and initiating school integration in Los Angeles.

Community participation in the desegregation process has not been limited to involvement in the Citizens' Advisory Committee on Student Integration. Established organizations and newly formed groups have responded to the challenge to make their voices heard and to ensure that their concerns be dealt with and their participation be meaningful. Representatives from various groups with a wide range of disparate views have maintained communications with the board and the CACSI. They have relayed their concerns to the officials and have kept their organizations apprised of official acts and statements on the student integration issue.

One such group, organized specifically to deal with the issue, is the Valley Steering Committee on Student Integration, an outgrowth of the Mayor's Education

Committee, begun in February 1976. Based in the San Fernando Valley, the group is committed to educating the community on the issue of school integration and acting as a moderate force in a community rife with anti-integration sentiments.[1] The group's membership includes representatives from the American Association of University Women, the League of Women Voters, the Valley Interfaith Council, the Valley Fair Housing Council, the Jewish Federation Council, Women For, the American Civil Liberties Union, and the YWCA. The committee has monitored all of the public meetings of the Citizens' Advisory Committee on Student Integration and also media coverage of the desegregation efforts (particularly the valley weekly papers--the Valley News and Greensheet and the Valley View). Members have attended numerous community meetings to discuss school desegregation and the committee has provided an information exchange and rumor control center. In a position paper issued in December 1976, the Valley Steering Committee proclaimed its support for the Citizens' Advisory Committee's staff development program and called upon elected officials to refrain from using integration for political gain.[2]

PLUS (Positive Leadership to Upgrade Schools) is composed of a group of parents who organized in the fall of 1976 because:

> We felt there was need for a grassroots organization to educate each other, to have a dialogue with one another, to let other people know that there were people in the San Fernando Valley...who weren't hysterical and were willing to work within the court order.[3]

The group attends meetings of the board and the Citizens' Advisory Committee on Student Integration to ensure that those bodies address specific concerns regarding safety, quality of education, and parental involvement.[4]

An organization working to make integrated education a reality is the Integration Project, which was formed to provide information to the community and to pressure the board to integrate.[5] The group, composed primarily of white teachers, supports quality, integrated education by reasonable and feasible means, not excluding busing. It also advocates bilingual-bicultural education, two-way busing, and socioeconomic integration. The Integration Project constantly presses for "general upgrading of the education in the Los Angeles City Schools."[6] In its statement of goals, the group lists integrated multicultural curricula, compensatory education, teacher training, and community involvement as essential elements in bringing

about a system of equal and quality education for all children.[7]

The Coalition for Excellent Schools through Integration (CESI) was organized in October 1975 to prevent the kind of violence that occurred in Boston and to further the school desegregation process. CESI, a multiracial coalition of 43 organizations, aims to promote interaction to get community support for integration.[8]

The Committee United for Equal and Quality Education, a multiethnic group, was formed in early 1976 to promote equality of educational opportunity through integration. The group held meetings to discuss "integration and busing" and "integration and bilingual education." The committee stresses the need for bilingual education wherever there are non-English-speaking students and eradication of inequities in per-pupil expenditures in minority schools.[9]

Bus Stop, an organization of concerned citizens, was begun in March 1976 in response to the rescission of the Miller-Rice resolution prohibiting mandatory transportation for integration purposes. The group was formed to prevent "forced busing of school children and to preserve the neighborhood school system."[10] The group's membership, primarily white, is concentrated in the San Fernando Valley and the San Pedro areas. Bus Stop's executive director,

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Roberta "Bobbi" Fiedler, is a member of the Citizens' Advisory Committee on Student Integration and was a candidate in the school board election. Ms. Fiedler, testifying before the Commission, said, "Bus Stop supports integration on a voluntary basis but opposes integration by force."[11]

Bus Stop is also opposed to any and all forms of violence, choosing instead to use legal channels and the democratic process to achieve its goals.[12] Ms. Fiedler is quite clear about her intention "to act within the law at all times and never oppose anything ordered by the courts."[13]

There are two Parent-Teacher Association (PTA) affiliates within the school district, both of which have publicly supported school integration. The 31st District PTA, which is predominantly white, advocates a voluntary approach to desegregation. This affiliate has six members serving on the Citizens' Advisory Committee on Student Integration and has established a districtwide integration study committee, the main function of which is to provide information to these members.[14] The group is working towards achieving "a peaceful and harmonious integration plan within the district."[15] The ethnically diverse 10th District PTA also has six members on the CACSI and has

formed an integration committee. The group has been active in conducting studies and making suggestions and recommendations to the CACSI.

•Representatives of ethnic communities have expressed commitment to integration, but have raised questions about integration implementation.

The school board formally created four ethnic education commissions through which it solicits information and ideas from the minority communities. These commissions, elected from their respective communities, expressed much interest in the district's integration planning.

The Mexican American Education Commission (MAEC) adopted an integration position in 1970:

> ...we support the integration of schools as a step to achieve quality education.... In supporting the court's decision for integration we insist, however, that the values of ethnic identity of the Chicano student be constantly fostered and that his bilinguality and biculturality be cherished and developed for his own benefit and for the benefit of the Anglo child.[16]

MAEC Chairperson Ruby Aguilar expressed concern that the board will not devote the necessary resources for proper planning and preparation. She noted in particular the importance of inservice teacher training and human relations training for parents and students. Ms. Aguilar also questioned the sensitivity of the board to issues of importance to the Chicano community.[17]

The American Indian Education Commission (AIEC) issued a statement on integration in June 1976 which accepted the concept of integration as positive but indicated that student integration is a black-white issue. It reiterated and emphasized the American Indian community's long-standing opposition to "forced assimilation" which they see as inherent in integration.[18] John Howell, chairperson of AIEC, testified at the Commission's hearing that the American Indian community is interested in preventing Indians from being further dispersed throughout the school district and desires greater response from the district on issues raised by the AIEC.[19]

Although the Black Education Commission (BEC) has not taken a formal position on school integration, Walter Jones, a chairperson of BEC, testified that the black community is deeply concerned that the burden of student integration not fall solely on the black community. He further indicated that, while many parents in the community voluntarily have their children bused in the Permits with Transportation (PWT) program, many other black parents will not accept one-way busing. He also noted that in the summer of 1976 people were urged to participate in PWT, but that it is not possible to enlist enough persons to implement meaningful integration voluntarily.[20] Mr. Jones, like Ms. Aguilar,

emphasized the importance of teacher sensitivity and inservice training. Commenting on the district's staff integration process, Mr. Jones said teachers transferred from mostly white schools should have been oriented to deal with minority students.[21]

The president of the Asian American Education Commission (AAEC), Anthony Trias, testified that his commission had not taken an official position relative to student integration. He noted, however:

> ...the consensus of opinion...is that we do not believe in mandatory busing, and...that originally the issue was a black and white issue, but this does not apply to the Los Angeles School District.[22]

According to Mr. Trias, the Asian community wants a voluntary integration plan with exemption to protect present bilingual-bicultural programs. Asian Americans fear that integration will eliminate very important federally-funded bilingual programs.[23]

Activists and other leaders in ethnic communities in the Los Angeles area also expressed commitment to the concept of an integrated education, but generally emphasized the importance of quality education and concern for the effect of integration on quality education.

Members of the Chicano community expressed concern that bilingual-bicultural programs be preserved and improved.

They called cultural programs an important part of quality education and stressed that appreciation for cultural traditions must be encouraged.[24]

A representative from the Jewish community reflected the concerns of many Jewish parents who have a strong commitment to equal educational opportunity and integrated education, but who need assurance that the quality of education will be high, that children will be physically safe, and that important after-school religious training will not be disrupted.[25]

An American Indian leader saw American Indian concerns as primarily focused on the need to preserve and continue federally-funded title IV programs under the Indian Education Act, the need for greater sensitivity toward Indian issues by the school administration, and a need for a better understanding by district leadership of the role of Indian religion in Indian culture.[26]

Betty Kozasa, active in the Asian American community, attempted the difficult task of summarizing the integration concerns of the major Asian groups served by the school district. Noting the diversity of the groups in language and culture, Ms. Kozasa indicated several areas of apparent consensus. Asian American parents with limited- or non-English-speaking children are extremely concerned that their

children attend a school with bilingual staff and that current bilingual programs that meet their children's needs are not lost. They are also reluctant to send their children away from the neighborhood because of the difficulty in reaching them in emergencies.[27]

Representatives from the black community emphasized the importance of quality education and noted dissatisfaction with the district's attempts at staff integration.[28] One witness suggested that the black community favored integration only if it resulted in quality education. He also reiterated the view that one-way busing is unacceptable and that integration must include staff, teachers, and students.[29] However, Mary Henry concluded in her testimony that the current concerns by various communities about the potential negative effect of integration on cultural integrity and religious activities was actually a rationale to avoid educational and social interaction with blacks.[30]

•Many community groups appeared to be opposed to the board's rejection of the CACSI plan.

Many groups traditionally involved in civil rights issues and currently involved in the process of desegregation in Los Angeles have voiced strong opposition to the school board's decision to reject the plan proposed

by the Citizens' Advisory Committee on Student Integration and to the guidelines used in developing the board plan.

The NAACP's western regional office, while not enthusiastic about the CACSI plan because it is "too limited in scope," totally rejected the guidelines the board has issued for its plan.[31] Rev. James Lawson, the local NAACP education chairperson and a CACSI member, expressed concern that the board's plan, which calls for busing students to specialized integrated learning centers for one 9-week period each year, will cause a disruption in the academic process. He charged that the board's limited plan was evidence of the racist feelings of a majority of the board members.[32] After the board's guidelines were announced, NAACP national, regional, and local officials met to discuss the organization's strategy on the desegregation issue and the possibility of intervening on behalf of the plaintiffs in Crawford.[33]

The American Civil Liberties Union (ACLU), representing the plaintiffs, characterized the board's guidelines as "a fraud," and requested that Superior Court Judge Parks Stillwell withdraw from the case. This request stemmed both from "some bad press statements" made by Judge Stillwell and from indications that the majority of the school board believed that Judge Stillwell would accept a limited

integration plan as satisfactory compliance with the Crawford mandate. Judge Stillwell withdrew from the case on January 14, 1976,[34] and was replaced by Judge Paul Egly.[35]

John Mack, executive director of the Los Angeles Urban League, characterized the board's failure to adopt the proposals of the Citizens' Advisory Committee on Student Integration as a "tragedy."[36] The league, which supported board member Diane Watson's attempt to submit the CACSI's plan to the court, is continuing to meet with board members and other concerned parties in an effort to develop a compromise plan. However, the Urban League and other organizations expressed doubt that an acceptable compromise plan would be agreed upon.[37]

Dr. Julian Keiser, executive director of the Community Relations Conference of Southern California (CRCSC), who has steadfastly supported all integration efforts, told the Commission that the guidelines for the board's substitute plan do not even constitute integration. Dr. Keiser criticized the board's learning center concept as vague, and said that there would be no hope for compromise as long as the board adheres to this concept.[38]

Jessie Mae Beavers, president of the Los Angeles City Human Relations Commission, which has long advocated school integration, stated that neither the CACSI plan nor the

board plan was entirely satisfactory. She believes that strong positions on the issue of school integration are required by city leaders irrespective of political considerations.[39]

Community leaders who supported integration in general favored the plan of the Citizens' Advisory Committee on Student Integration over the board's,[40] but some organizations were prepared to submit their own proposals to the court.[41] Judge Egly, however, originally rejected all attempts by parties to intervene in the case, instructing the interested groups and individuals that their proper forum is the board room, not the courtroom.[42] An appeal of Judge Egly's decision resulted in intervenor status in the Crawford case being allowed for Bus Stop, the Integration Project, BEST, and Diane Watson.

RECOMMENDATIONS

•The four ethnic education commissions as official representatives of their respective communities should attempt to formulate a strategy for quality education consistent with a desegregation plan.

All of the ethnic education commissions have testified that their communities are being educationally shortchanged in some respect. This common interest should serve as a basis upon which to build cooperation among the four

communities. The four ethnic education commissions should form a coalition, agreeing to respect and support the needs of all minority students, and develop an agenda of important issues related to student integration and recommended strategies for effective resolution of those issues. Each minority group comprises a smaller percentage of the district than whites, but collectively they constitute 60 percent of the student population. Any minority recommendation in which all minorities concur must necessarily be given great weight by district administrators.

•Members of minority communities, who have expressed concern that desegregation will adversely affect bilingual-bicultural programs, should cooperate to ensure that such programs are maintained and strengthened within the context of desegregation.

The overriding concern about desegregation in Hispanic and some Asian communities is that the bilingual-bicultural programs will be diluted or lost altogether. Those parents and students who fear for the integrity of these programs should unite to prepare recommendations for maintaining and strengthening them. The group's work product should then be presented to the board and district administrators to indicate to them that there are serious considerations and

problems which affect minority community support for desegregation but that the community is ready and willing to act positively within the framework of the plan. With support and positive assurances from district hierarchy, those persons for whom the preservation of bilingual-bicultural programs is a prime consideration can work to isolate major community concerns, recommend ways in which the programs can be strengthened, serve as a liaison between the community and administration to communicate concerns and alleviate fears, and monitor the programs to ensure that those in need of such education are deriving the benefits.

•The district PTAs should continue their efforts to disseminate accurate information and to control rumors.

Unlike many of the new organizations which have formed recently to aid in the school desegregation process, the PTAs are equipped with various resources and well-established lines of communication within the community. Operating for many years as the link between schools and communities, they are well aware of the intricacies of such relationships.

The PTAs are organizations deservedly trusted by various communities within the district. As factfinders and information disseminators, the PTAs can be instrumental in establishing and maintaining a calm, reasonable, and

informed citizenry. Throughout the country the Commission has found PTAs performing this role in the school desegregation process.

PTAs also have the contacts and often the structure to assist in mobilizing concerned parents to participate as school aides and bus monitors. Community forums organized or jointly sponsored by PTAs often get better attendance and participation than such meetings held by other groups. Activities along these lines should be coordinated with the board and the CACSI.

•Civil rights advocates, such as the county and city human relations commissions, the NAACP, the SCLC, the ACLU, and the Urban League, should mount a concerted compaign to educate the community about legal requirements to desegregate.

Throughout the investigation and hearing, the Commission noted that there are those who believe that somehow the school district can avoid the mandate to desegregate if quality education is not concurrently assured. It is the judgment of the Commission that, in most instances, desegregation can and will lead to an improvement in the overall quality of education. However, even if it appears that this will not happen, desegregation must take place. Under the Constitution all children and young

persons must have equal access to education at whatever quality level exists.

Neither the school board nor the community should be permitted to avoid or deny the legal obligation which has been imposed on the school district to desegregate. The Los Angeles community must be helped to understand that student integration is not a local political squabble; it is a legal requirement. And, in this case, it is a requirement that has been ignored for 7 years.

NOTES TO CHAPTER V

1. Jill Barad, Spokesperson, Valley Steering Committee on Student Integration, staff interview, Los Angeles, Calif., Nov. 22, 1976.

2. Valley Steering Committee on Student Integration, position paper, approved Dec. 1, 1976.

3. Testimony of Carol Plotkin, spokesperson, Positive Leadership Upgrades Schools (PLUS), before the U.S. Commission on Civil Rights, hearing, Los Angeles, Calif., Dec. 13-15, 1976, transcript, p. 536 (hereafter cited as Hearing Transcript).

4. Carol Plotkin, staff interview, Los Angeles, Calif., Nov. 30, 1976.

5. "Background to the court order in Los Angeles," a bulletin of the Integration Project.

6. Testimony of Jackie Goldberg, Spokesperson, Integration Project, Hearing Transcript, pp. 512-13.

7. "Integrated Quality Education," a statement of goals by the Integration Project.

8. Rev. Edgar Edwards, Spokesperson, Coalition for Excellent Schools Through Integration, staff interview, Los Angeles, Calif., and testimony of Rev. Edwards, Hearing Transcript, p. 516.

9. Testimony of Helen Teate, Chairperson, Committee United for Equal and Quality Education, Hearing Transcript, p. 514; and Helen Teate, staff interview, Los Angeles, Calif., Oct. 14, 1976.

10. Bus Stop, "Philosophy" (position paper).

11. Testimony of Roberta "Bobbi" Fiedler, Executive Director, Bus Stop, Hearing Transcript, p. 515.

12. Ibid.

13. Ibid., p. 528.

14. Testimony of Betty Lindsey, President, 31st District PTA, Hearing Transcript, p. 537.

15. Testimony of Phyllis Shields, President, 10th District PTA, Hearing Transcript, p. 538.

16. Mexican American Education Commission, statement adopted Feb. 16, 1970.

17. Testimony of Ruby Aguilar, Chairperson, Mexican American Education Commission, Hearing Transcript, pp. 485-87.

18. American Indian Education Commission, position paper on integration, June 1976.

19. Testimony of John Howell, Chairperson, American Indian Education Commission, Hearing Transcript, pp. 482-83.

20. Testimony of Walter Jones, Tri-Chairperson, Black Education Commission, Hearing Transcript, pp. 489, 492.

21. Ibid., 497-98.

22. Testimony of Anthony Trias, President, Asian American Education Commission, Hearing Transcript, p. 492.

23. Ibid., pp. 493-94.

24. Ruby Aguilar, chairperson, Mexican American Education Commission, LAUSD, staff interview, Los Angeles, Calif., Oct. 19, 1976, and Rev. Vahac Mardirosian, Executive Director, Hispanic Urban Center, staff interview, Los Angeles, Calif., Oct. 15, 1976.

25. Testimony of Barbara Weinberg, President, Jewish Federation Council, Hearing Transcript, pp. 568-69.

26. Testimony of Joanne Morris, Spokesperson, California Indian Education Association, Hearing Transcript, pp. 573-76.

27. Testimony of Betty Kozasa, Hearing Transcript, pp. 563, 565-66.

28. Rev. Garnett Henning, Chairperson, Community Task Force for Better Education, staff interview, Los Angeles, Calif.,

Nov. 10, 1976, and Mary Henry, Avalon-Carver Community Center, staff interview, Los Angeles, Calif., Nov. 19, 1976.

29. Testimony of Rev. Garnett Henning, Hearing Transcript, p. 534; and Henning interview.

30. Testimony of Mary R. Henry, Hearing Transcript, p. 559.

31. Virna Canson, Executive Director, Western Regional Office, NAACP, telephone interview, Feb. 2, 1977.

32. Los Angeles Times, Jan. 19, 1977, part I, p. 1, col. 5.

33. Canson telephone interview.

34. Los Angeles Times, Jan. 15, 1977, part I, p. 1, col. 1.

35. Los Angeles Times, Feb. 23, 1977, part II, p. 1, col. 4

36. John Mack, Executive Director, Los Angeles Urban League, telephone interview, Feb. 1, 1977.

37. Ibid.

38. Julian Keiser, Executive Director, Community Relations Conference of Southern California, telephone interview, Feb. 1, 1977.

39. Jessie Mae Beavers, President, Los Angeles City Human Relations Commission, telephone interview, Feb. 1, 1977.

40. Los Angeles Times, Jan. 19, 1977, part I, p. 1, col. 5.

41. Ibid.

42. Los Angeles Times, Mar. 15, 1977, part I, p. 3, col. 5.

VI. PRIVATE SECTOR

FINDINGS--BUSINESS

•Representatives of business leadership in Los Angeles have publicly supported obedience to the law and the concept of integration.

The Los Angeles Area Chamber of Commerce, the second largest in the country, appears increasingly willing to assume a more active role in the critical stage of implementation. The 3,500-member chamber's official position is that of "being in favor of desegregation and in favor of integration as a broad policy...until we have some more definitive guidelines...we have taken no specific action."[1]

The chamber, however, has been supporting the findings of the court through public statements, giving encouragement, and establishing itself in a leadership position to make "certain that the rulings of the court are followed positively."[2] President Albert Martin said that, in addition to going on record in support of the Los Angeles Unified School District's efforts "to establish a program of racial and ethnic integration by reasonable and achievable means,"[3] the members "certainly would not feel that transportation of students is unreasonable."[4]

Paul Sullivan, newly-elected chamber president for the critical year of implementation, believes the organization should become more active in the process. Mr. Sullivan has personally met with the chairperson of the Citizens' Advisory Committee on Student Integration, the president of the school board, and the superintendent to determine ways in which the business community could participate in the integration process. He also hosted a luncheon for 30 religious leaders to emphasize the role of the religious community. His goal is to use the expertise and resources of the business community to their fullest potential.[5]

Recently business, professional, and political leaders formed a Council for Peace and Equality in Education under the temporary chairmanship of Paul Sullivan. The council expects to have a budget of $400,000 or more, a substantial portion of which is to be spent on a media campaign designed to emphasize societal obligations to obey the law. The council also hopes to organize teams, each to be composed of a clergyman, a lawyer, a police officer, a business representative, a principal, a teacher, and a PTA representative. Each team will be assigned to a school affected by the desegregation plan to ensure peaceful compliance and dissemination of accurate information.[6]

There are also business leaders in Los Angeles who, independently of any formal organization, are involved in the affairs of the school district. A member of the board-appointed Citizens' Management Review Committee, established to assess management and fiscal policies of the board, feels that many business leaders are willing to become actively involved with the integration issue because they realize that disruption and discord can mean economic harm to business.[7] Ernest Shell, as chairman of the review committee's budget and finance subcommittee, also noted that, although the budget is tight, priorities can be changed and integration with quality education can be accomplished in Los Angeles.[8]

The function of leadership, according to John Pincus, an education analyst from the Rand Corporation, is to foster acceptance and ensure that the community realizes that desegregation "can be made the agency of schooling opportunities."[9] Business leaders, in particular, Mr. Pincus continued, must assume a role in the forefront, mobilizing the rest of the community as the:

> fortunes of the entire city may well rise or fall with the success or failure of school integration. Experience has indicated that if desegregation creates too much stress, cities suffer...business is harmed because corporations are reluctant to locate new facilities or expand existing ones in cities where schools are disrupted....[10]

Mr. Pincus commended the Los Angeles Chamber of Commerce for its willingness to assume a strong leadership position but noted that the "size and diffuseness of the Los Angeles community makes it difficult to have completely unified leadership effort."[11]

RECOMMENDATIONS--BUSINESS

•Business leadership should continue to be actively involved in student integration planning, preparation, and implementation, with the chamber of commerce assuming an aggressive leadership role in the desegregation process.

The public statements of the Los Angeles Area Chamber of Commerce are an important beginning to business involvement in the process of school integration in Los Angeles. However, the importance of business leadership is that it can be very effective in establishing and maintaining order and stability in the community, discouraging inflammatory or irresponsible political rhetoric, identifying and mobilizing financial resources, and encouraging a strengthened and expanded partnership between the business community and the school system.

There are already very positive indications of increased activity by business leadership in the student integration process. Current Chamber President Paul Sullivan's meetings with the school superintendent, school

board president, and the chairperson of the Citizens' Advisory Committee on Student Integration are very hopeful signs, as are his innovative ideas about the use of public relations efforts to improve community awareness and acceptance of student integration. It is important to the future of Los Angeles that the entire business community, organized and individually, support the positive actions of Mr. Sullivan and his colleagues in the Chamber of Commerce to ensure peaceful and successful implementation of the desegregation plan.

As indicated in the findings and recommendation regarding the Citizens' Advisory Committee on Student Integration, the school board cannot be depended upon to encourage the reorganization and subsequent positive efforts of the CACSI in its critical attempt to mobilize community support for student integration. It is essential that the business community take whatever steps are required to ensure that this unique and valuable, broadly based, community organization continues to function during the difficult stages of planning, preparation, and implementation of student integration.

NOTES TO CHAPTER VI--BUSINESS

1. Testimony of Albert C. Martin, President, Los Angeles Area Chamber of Commerce, Hearing before the U.S. Commission on Civil Rights, Los Angeles, Calif., Dec. 13-15, 1976 (hereafter cited as Hearing Transcript), p. 247.

2. Martin testimony, pp. 247-48.

3. Statement of Los Angeles Area Chamber of Commerce, Apr. 22, 1976.

4. Martin testimony, p. 254.

5. Paul E. Sullivan, President-elect, Los Angeles Area Chamber of Commerce, staff interview, Los Angeles, Calif., Dec. 10, 1976.

6. Los Angeles Times, Mar. 14, 1977, part I, p. 1, col. 5.

7. Ernest Shell, Vice-Chairman of the Board, Golden State Mutual Life Insurance Co., staff interview, Los Angeles, Calif., Nov. 18, 1976.

8. Ibid.

9. Testimony of John Pincus, Director, Education and Resources Program, Rand Corporation, Hearing Transcript, p. 262.

10. Los Angeles Times, Nov. 14, 1976, part III, p. 3, col. 1.

11. Pincus testimony, p. 271.

FINDING--LABOR

•The Los Angeles County Federation of Labor, AFL-CIO, has taken a strong public stand supporting school integration. The committment of some labor groups, including those representing public school teachers, has varied.

The Los Angeles County Federation of Labor, AFL-CIO, with more than 750,000 members[1] is in accord with the national AFL-CIO policy of "wholeheartedly supporting busing of children when it will improve the educational opportunities of the children."[2] In the words of its executive officer:

> ...in harmony with the AFL-CIO principles nationally, the Los Angeles County Federation of Labor concerns itself with a wide range of issues reaching into every phase of civic life. Thus, we approach the problem of school desegregation on the basis of clear and explicit statements of principle enunciated by the national AF of L-CIO, as well as our own dedication to the practical application of these principles in accordance with the law in California....[3]

In keeping with this policy, the federation issued a statement in support of local desegregation efforts immediately after the Crawford decision.[4]

Believing that "it's extremely important that there be a coalition of business, civic, religious and labor leadership to get the message to our constituents," the federation has taken initial steps to form such a coalition,

but is, "a little distressed because we hadn't received the type of cooperation which is needed."[5] The concern expressed by labor was that many leaders in other sectors of the community are awaiting the court's decision on what the final plan will be, rather than ensuring community involvement that could create a positive atmosphere.[6]

Internally, the Los Angeles County Federation of Labor intends:

> ...to utilize our labor organ and that of other labor unions that are affiliated with us, to get the information...to prepare them for the possible busing which will come out of the court hearing. Yes, we are dedicated to doing all we can to get the right type of propaganda out to our membership so we can do a worthwhile job in informing our constituents. I think if the rest of the community will follow our leadership, in informing their constituents, we'll be a long way to achieving the type of harmony that we need in the city and county of Los Angeles.[7]

United Teachers of Los Angeles (UTLA) with 31,000 members is affiliated with both the American Federation of Teachers (AFL-CIO) and the National Education Association, both of which support the integration of public school systems.[8] UTLA has determined that it will:

> ...support the integration of staff, and student bodies...teachers in Los Angeles are like teachers anywhere else in this country, and what we're interested in is quality education. And certainly, it's been proven throughout this country that integration is a great step forward in quality education.[9]

Representatives of both the County Federation of Labor and UTLA are members of the Citizens' Advisory Committee on Student Integration, further demonstrating labor leadership's commitment to work with other groups for the peaceful implementation of the Crawford order.[10]

In January the house of representatives of the United Teachers of Los Angeles voted overwhelmingly to endorse the proposals of the Citizens' Advisory Committee on Student Integration. However, more than 1,000 teachers then petitioned the UTLA demanding a referendum on the issue of which plan the organization would support.[11] In March the members of UTLA voted to oppose the CACSI's guidelines, reversing the policy decision of January.[12]

The Jewish Labor Committee is a national Jewish community relations organization which attempts to achieve coordination and cooperation between organized labor and the Jewish community. Max Mont, executive director of the Jewish Labor Committee (western region), was also the Los Angeles County Federation of Labor's representative on the Citizens' Advisory Committee on Student Integration.[13]

Mr. Mont claimed that, while "labor is ready to take the initiative in this matter...other entities are somewhat more hesitant..."[14] He attributes this hesitancy to a "fragmentation of forces which are pro-integration and anti-

segregation [due], in large part, to a failure of leadership."[15]

The call for strong community leadership reflects the serious commitment of the Jewish Labor Committee to work towards peaceful and meaningful integration. When the Miller-Rice antibusing resolution was approved by the school board, "[t]he Jewish Labor Committee very explicity criticized the motion and called for its rescinding. Now at that time, we were the only Jewish organization that did so. Later on, all of the Jewish organizations did the same thing."[16]

RECOMMENDATION--LABOR

•The strong, positive commitment demonstrated by much of organized labor in the Los Angeles area should be continued and expanded to encourage the school board to fulfill its legal obligation to desegregate the schools. Furthermore, they should support the provision of financial and community resources on behalf of the Citizens' Advisory Committee on Student Integration..

Continuing its supportive efforts toward desegregation, organized labor in Los Angeles should continue to press the board to live up to its legal and moral obligation to provide full and meaningful equal educational opportunity. It is especially important now, in the midst of the current

community concern over the school board and Citizens' Advisory Committee on Student Integration plans, that organized labor work very hard to maintain its commitment to integration, educate its membership and the community, and help maintain an attitude of calm reason throughout the community.

It is particularly essential that organized labor make every attempt to ensure the continued community involvement in the process of desegregation. In view of the uncertain future of the CACSI during the ongoing planning, preparation, and implementation phases of student integration, organized labor should utilize its membership network and other resources to ensure the CASCI's continued participation as the community's broadly based representative and advocate before the board.

NOTES TO CHAPTER VI--LABOR

1. William R. Robertson, Executive Secretary-Treasurer, Los Angeles County Federation of Labor, AFL-CIO, staff interview, Los Angeles, Calif., Oct. 21, 1976.

2. AFL-CIO Executive Council position, Feb. 15, 1975; from Simple Justice: Quality Education for All Children.

3. Testimony of William R. Robertson, Hearing Transcript, pp. 313-14.

4. Statement appearing as editorial in the Los Angeles Citizen (published by the Los Angeles County Federation of Labor, AFL-CIO), June 1976.

5. Robertson testimony, pp. 325-26.

6. Ibid., p. 326.

7. Ibid., p. 331.

8. Statement to the U.S. Commission on Civil Rights by Hank Springer, President, United Teachers of Los Angeles (UTLA).

9. Testimony of Hank Springer, Hearing Transcript pp. 314-15.

10. Statement to the U.S. Commission on Civil Rights by William R. Robertson.

11. Los Angeles Times, Jan. 30, 1977, part I, p. 3, col. 5.

12. Los Angeles Times, Mar. 6, 1977, part I, p. 3, col. 6.

13. Testimony of Max Mont, Executive Director, Jewish Labor Committee, Western Region, Hearing Transcript, p. 319.

14. Ibid., p. 336.

15. Ibid., p. 338.

16. Ibid., p. 337-38.

FINDING--MEDIA

There are some 70 or more radio stations in the Southern California area[1] and 10 television stations in the Los Angeles area.[2] With so many broadcast stations, the school desegregation issue is covered in a variety of ways. Some stations have made serious attempts to provide thoughtful and balanced reporting.

> [KFWB radio] did a series on the Crawford decision on explaining what it was and tried to point out its effects. Then we have done other series in talking to principals in the school integration controversy both sides, as many sides as we could determine.[3]

KFWB also did a series on the Citizens' Advisory Committee on Student Integration, interviewing members representing several viewpoints.[4]

KNBC-TV in September 1976, in conjunction with the opening of the schools, presented an indepth, five-part series for 6 minutes each on the evening news program.[5] After meeting with KNBC-TV and other members of the electronic media, the school district's superintendent indicated that KNBC had offered to produce and broadcast live a program on the student integration issue.[6]

Another station, KNXT-TV (the CBS affiliate), has also extensively covered school desegregation in Los Angeles. School board meetings get live coverage on the evening news programs and the activities of the Citizens' Advisory

Committee on Student Integration have been followed diligently and thoroughly reported. In September 1976, KNXT-TV presented a five-part series on the evening news about desegregation in other cities (Detroit, Pasadena, San Francisco), comparing each situation to Los Angeles. During the last week in October, the KNXT-TV and KNBC-TV education reporters accompanied school board members to Denver, Minneapolis, and Boston and filed daily reports that appeared as a three-part series on the evening news.[7]

More than 100 newspapers are published in the Los Angeles area. The Los Angeles Times is by far the most widely read and circulated newspaper on the West Coast. Several major newspapers serve particular communities: the Valley News and Green Sheet in the San Fernando Valley, the Sentinel in the black community, the Rafu Shimpo in the Japanese community, and La Opinion and the L.A. Express in the Hispanic community.

The Los Angeles media are aware of their responsibility to provide accurate and balanced coverage of the school desegregation issue. The Los Angeles Police Department (LAPD) had a meeting in November 1976 with representatives from the Los Angeles Times, the Herald Examiner, and television stations KNBC-TV and KABC-TV. The purpose was to discuss the importance of reporting news on school

desegregation in a balanced and noninflammatory way.[8] Members of the Valley Steering Committee met with local newspapers in the San Fernando Valley to discuss the possibility of more coverage of the daily activities of the Citizens' Advisory Committee on Student Integration[9]

Despite these efforts, there was criticism of the print media's coverage of school desegregation in certain cases.[10]

There was also testimony from community people, particularly those involved in integration-related activities, that, even with prompting, some papers failed to provide balanced coverage.

A specific area of concern was media coverage of the activities of the Citizens' Advisory Committee on Student Integration. Media representatives testified about difficulty involved in covering so much activity:

> [T]he media's frustration in covering this complex issue is that so much of the work is done at the subcommittee level and when the general committee meetings are held there are a lot of viewpoints to be heard...a meeting may go 3 hours with seemingly not so, not anything being done, and that's difficult to boil down and to either print a story or certainly an electronic media to get in a couple of minutes.[11]

> ...We are not always aware of what is going on in the subcommittees, we're not always aware of when the meetings are being held and when we get back to the fundamental issues, we are generally talking to one person who was there who gives a version of a subcommittee meeting that may not totally reflect the overall structure of what really took place.[12]

The major complaint, however, was the extensive coverage of Bus Stop, the antibusing group, and its opposition to school desegregation, and the lesser coverage of the Citizens' Advisory Committee on Student Integration's slow but steady work.[13]

Calm analysis and regular, thorough coverage of student integration marked the broadcast industry's efforts during the planning stage. The positive impact of such coverage on the community was recognized and acclaimed by many. The media, through its positive coverage, has the opportunity to renew community faith in the value of participation and involvement and to ensure that the community has a means of communication and expression as the board's summary treatment of the CACSI's plan may discourage future participation by community people.

NOTES TO CHAPTER VI--MEDIA

1. Testimony of Arthur Schreiber, General Manager, KFWB radio, Hearing Transcript, p. 365.

2. John Mack, Executive Director, Los Angeles Urban League, staff interview, Los Angeles, Calif., Oct. 18, 1976.

3. Schreiber testimony, p. 344.

4. Ibid., p. 373.

5. Saul Halpert, News Reporter, KNBC-TV, staff interview, Los Angeles, Calif., Oct. 13, 1976.

6. William Johnston, Superintendent, LAUSD, staff interview, Los Angeles, Calif., Nov. 18, 1976.

7. Jerry Jacobs, Producer, News Program, KNXT-TV (CBS), staff interview, Los Angeles, Calif., Oct. 28, 1976.

8. Lt. Ronald D. Nelson, Director, Community Relations, Los Angeles Police Department, staff interview, Los Angeles, Calif., Nov. 9, 1976.

9. Testimony of Jill Barad, Spokesperson, Valley Steering Committee, Hearing Transcript, p. 543.

10. Father Charles S. Casassa, Chancellor, Loyola Marymount University, and Robert W. Boyd, Executive Director, Los Angeles County Human Relations Commission, staff interviews, Los Angeles, Calif., Oct. 28 and 20, 1976, respectively.

11. Schreiber testimony, pp. 358-59.

12. Testimony of James Cleaver, Editor, Sentinel, Hearing Transcript, p. 361.

13. Betty Lindsey, President, and Ann Rich, Chairwoman of the Integration Study Committee, 31st District PTA, staff interview, Los Angeles, Calif., Oct. 28, 1976.

FINDING--HIGHER EDUCATION

•Institutions of higher education in the Los Angeles area constituted a largely uptapped resource during planning and preparation for school desegregation in the school district. However, individuals associated with area colleges and universities contributed to the process of desegregation and assisted the Los Angeles Unified School District.

There are 8 State institutions of higher education and a number of community colleges in the Los Angeles-Orange County area. All of the universities have programs in teacher education. As institutions, however, none has taken formal steps to aid the planning of desegregation.[1]

In spite of the lack of involvement of institutions, individual faculty members have assisted the district in its desegregation efforts. A faculty member at California State University, Long Beach, Dr. Neil Sullivan, for example, was a consultant for the Citizens' Advisory Committee on Student Integration and a member of the district planning team.[2] Also, Dr. C. Wayne Gordon, chairman of the department of education at UCLA, was involved on behalf of the plaintiffs in the Crawford case.

> ...my involvement has been the most direct; it goes back to the Crawford hearings, the trial, which on the basis of a study of the Mexican American aspirations and achievements in Los

Angeles, I served as an expert witness to the court....[3]

The failure of institutions to directly commit resources and expertise to aid in the district's desegregation efforts was attributed by two deans of education to the fact that the school district had not requested such help.[4] One educator testified that on several occasions he had communicated to the district that his department "would welcome the opportunity and the challenge to participate in the joint venture" of school desegregation; but the school district has not formally responded.[5]

Another educator attributed the lack of university involvement in the Los Angeles desegregation to the feeling that the university should not become involved in community or school problems.[6] This attitude has been referred to as "the ivory tower syndrome."[7]

Many of the institutions, however, offer programs which could have facilitated the planning and implementation of staff and student integration. One such program offered at all the universities is teacher training. California State Universities (Long Beach, Los Angeles, and Northridge) have the largest enrollment in those programs.[8] Of the graduates of teacher education programs, the district hires close to 90 percent of the UCLA graduating class;[9] 19 percent of the

graduates of California State University, Long Beach.[10] Approximately 50 percent of the California State University, Los Angeles graduates who found teaching positions were employed by the Los Angeles Unified School District;[11] and about 60 percent of those graduating from California State University, Northridge.[12] All but Long Beach are physically located within the boundaries of the school district.

Additionally, several institutions of higher education train teacher aides who are employed in the district. The dean of the school of education at California State University, Los Angeles, stated that:

> [D]uring the past 4 years, we've had perhaps more than 150 teacher aides from Los Angeles Unified School District come to our career opportunity program. Perhaps more than half of these people who came through were ethnic minorities and in turn came through our preparation program and went back into the district. This is one way, I think of feeding people who had expertise and credentials and who had a feeling for multicultural problems back into L.A. city.[13]

Programs which are not specifically aimed at training personnel are also available at colleges and universities in the area. For example, several institutions offer courses in bilingual-bicultural education.[14] Others offer bilingual education programs that lead to specialized teaching certificates.[15] A few area schools have established recruitment programs to bring minority students into the

institutions and, particularly, into the teacher training programs.[16]

•State regulations regarding teacher preparation and licensing requirements create unique opportunities for institutions of higher education to provide significant preservice and inservice training for teaching in the Los Angeles district's multicultural, multiracial schools. Compliance with these regulations is not being adequately monitored.

The teacher preparation and licensing law of 1970, otherwise known as the Ryan Act, creates a Commission for Teacher Preparation and Licensing and empowers it to establish training requirements for teacher certification.[17] The Commission for Teacher Preparation and Licensing has sought to implement the act by preparing manuals specifying minimum certification requirements. The 1973 manual, which sets forth the prerequisites for the basic teaching credential, requires each candidate to have a student teaching experience in one or more cultural settings substantially different than his or her own. The Ryan Act also covers service and specialist areas, such as school administrators, counselors, and librarians.[18]

The State statute, relating to multiethnic teacher preparation (referred to as "3.3"),requires that:

> each school with a substantial population of students of diverse ethnic backgrounds shall provide an inservice preparation program designed to prepare teachers and other professional school service personnel to understand and effectively relate to the history, culture, and current problems of these students and their environment.[19]

At least one administrator testified that area institutions of higher education are involved with and offering courses in "3.3"-related courses which are available to all district personnel.[20] The district requires all teachers and administrators to take "3.3" multicultural training instead of only those teachers and administrators assigned to schools with 25 percent or more diverse ethnic or racial student bodies, and it appears that the district's requirement for such training exceeds requirements imposed by law.[21]

In spite of the laudatory aims of these State requirements, their practical effect is diminished by inadequate monitoring and evaluation of the programs offered by universities and colleges.[22]

> Vice-Chairman Horn: Now, Dean Nelson, one last question. You mentioned that the Ryan Act really had spoken primarily toward a multicultural context for student teaching experience?
>
> Dr. Nelson: Right.
>
> Vice-Chairman Horn: In your judgment, has the Commission for Teacher Preparation and Licensing really monitored the implementation of that program on the various institutions in this State?

Dr. Nelson: I would say no.[23]

The State has an assessment mechanism for the evaluation of various teacher education programs, but at California State University, Northridge:

> The basic credential program did go through the so-called assessment process, and I don't recall that in that process any specific action was taken to really see whether or not we were following even that part of the Ryan legislation.[24]

However, at least one institution of higher education has a program which exceeds the requirements of the State law. California State University, Long Beach, requires that all graduates of the school of education be certified as to their participation in a program which provides a multiracial, multicultural experience. This requirement was promulgated to assure competency, understanding, and sensitivity to multicultural needs.[25]

RECOMMENDATION--HIGHER EDUCATION

•The institutions of higher education should unite to develop a proposal through which these institutions can meaningfully participate in the Los Angeles desegregation process.

The resources of the colleges and universities in the Los Angeles area were not utilized by the district during the planning stage of the desegregation process. Initial overtures and expressions of interest on the part of the

institutions were ignored by the school district. To overcome this indifference the institutions should form a coalition to prepare a formal proposal, for submission to district administrators, outlining the various ways in which higher education resources could be made available to the district during the preparation and implementation phases. Assistance to the district might include development of inservice materials and classes, creation of curriculum models especially designed for multiethnic classes, and participation at the consultant level in the district's efforts to work out the technical difficulties associated with desegregation implementation. A "pairing" plan similar to that ordered by the court in Boston could be developed in which individual institutions would be responsible for assisting a specific administrative area of the district. Educators and administrators from area colleges and universities should also be encouraged to participate in the planned "speakers' bureau" to present, explain, and discuss various aspects of the desegregation process.

Special emphasis should be placed on expanding inservice and preservice training programs to ensure that the needs of the Los Angeles students are being met by its teachers. It is clearly the responsibility of area institutions of higher education to prepare its teachers,

many of whom will be placed in local district schools, to deal with the unique and demanding challenge of teaching in a multethnic classroom situation.

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NOTES TO CHAPTER VI--HIGHER EDUCATION

1. Testimony of Dr. John Nelson, Dean, School of Education, California State University, Long Beach, Hearing Transcript, pp. 272-73 and Dr. Stephen F. Knezevich, Dean, School of Education, University of Southern California, p. 274.

2. Los Angeles Times, Jan. 28, 1977, part I, p. 1, col. 5.

3. Testimony of Dr. C. Wayne Gordon, Chairman, Department of Education, UCLA, Hearing Transcript, p. 273.

4. Anthony LaBue, Dean, School of Education, California State University, Northridge, staff interview, Northridge, Calif., Nov. 15, 1976; and Philip D. Vairo, Dean, School of Education, California State University, Los Angeles, staff interview, Los Angeles, Calif., Nov. 18, 1976.

5. Testimony of Dr. Philip D. Vairo, Hearing Transcript, p. 280.

6. Testimony of Dr. Anthony LaBue, Hearing Transcript, p. 287.

7. C. Wayne Gordon, Chairman, Department of Education, University of California, Los Angeles, letter to Richard Baca, General Counsel, U.S. Commission on Civil Rights, Apr. 26, 1977.

8. John A. Nelson, Jr., Dean, School of Education, California State University, Long Beach, letter to Gail Gerebenics, Staff Attorney, U.S. Commission on Civil Rights, Apr. 27, 1977.

9. C. Wayne Gordon, letter to Richard Baca, Apr. 26, 1977.

10. John A. Nelson, Jr., letter to Gail Gerebenics, Apr. 27, 1977.

11. Philip D. Vairo, Dean, School of Education, California State University, Los Angeles, letter to Richard Baca, General Counsel, U.S. Commission on Civil Rights, Apr. 25, 1977.

12. LaBue interview.

13. Vairo testimony, p. 282.

14. Ibid., p. 377.

15. John A. Nelson, staff interview, Long Beach, Calif., Nov. 30, 1976.

16. LaBue interview.

17. Cal. Educ. Code §13101 et seq.

18. John A. Nelson, Jr., letter to Gail Gerebenics, Apr. 27, 1977.

19. Cal. Educ. Code §§13344.

20. Nelson interview.

21. L. Frederick Fernandez, Consultant, Office of Intergroup Relations, California Department of Education, letter to Frederick D. Dorsey, Assistant General Counsel, U.S. Commission on Civil Rights, May 2, 1977, See also, Cal. Educ. Code §§13344.

22. Nelson testimony, p. 306, and LaBue testimony, p. 307.

23. Nelson testimony, p. 305.

24. LaBue testimony, p. 307.

25. Documents received on Dec. 14, 1976, from Dr. John A. Nelson, Dean, School of Education, California State University, Long Beach, Hearing Transcript, p. 305.

FINDINGS--RELIGIOUS LEADERS

•Religious leaders have taken positions in support of the Los Angeles Unified School District's desegregation efforts and have recognized their leadership responsibilities in developing a positive atmosphere in the Los Angeles community.

The religious leadership of Los Angeles has encouraged compliance with the law and peaceful implementation of the law. The issuing of joint statements and the formation of a coalition to deal with the issues have supplemented the individual contributions of the various denominations.

The board of rabbis has taken a strong interest in the issue because the Jewish community:

> ...is 100 percent committed to the highest quality education for every single student in our schools regardless of ethnic or religious composition of that body...and we would be, therefore, hurt if any student anywhere in our schools would be receiving a lesser education and inferior education.[1]

The president of the board of rabbis, Rabbi Joseph Smith, indicated that a commitment to quality, nonsegregated education does not mean there is total agreement as to methods of achieving that goal. Despite the volatile and explosive nature of school desegregation, he noted that the Jewish community follows the law of the land and is

committed to implementing the law with their hearts and souls.[2]

Bishop Robert Rusack of the Episcopalian diocese in Los Angeles stated that a group of religious leaders was prepared to develop a joint statement that would be very much in agreement with the position of the board of rabbis. He continued:

> I think that the major religious leaders should set the moral tone for this and urge their people to give great understanding to the problem and to cooperate in every way with the law of the land and to work together as parents and as students to prevent any violence.[3]

Representing the United Methodist Church, Bishop Charles F. Golden stated the official position of his church supporting complete "racial inclusiveness or integration in the Los Angeles school system."[4] He also described the Methodist Church's commission on religion and race which addresses itself to factors that contribute to segregation in the schools. A branch of this commission will soon be operating at every local church in the area.[5]

The Los Angeles Council of Churches (LACC), an organization of approximately 350 Protestant churches in the area, established a task force on integration to aid member churches in discussing the issue.[6] The task force developed a position paper on the Los Angeles desegregation efforts which was adopted by the board of directors early in 1976

and commits the group to equal educational opportunity for all children and to racial integration of the public schools. An important section focuses on the transporting of students and declares that:

> ...in the absence of integrated housing, among the many effective methods which have been, can and should be used to achieve higher degrees of equal educational opportunity and racial integration is the deliberate and selective busing of school children of all racial groupings.[7]

The group also, in the spring of 1976, organized a consultation entitled "Problems and Issues in School Integration: Community Preparation and the Role of the Churches."[8] The consultation brought persons from all over the country, from such cities as Louisville, Boston, Detroit, San Francisco, Pasadena, Denver, and Stockton[9] to share their experiences with school desegregation. The council is committed to continue activity that may enhance the possibility of peaceful desegregation, including:

> Informational dissemination of the churches and through the churches to the communities to help reduce the fears and misconceptions fostered by those who oppose equal educational opportunities, community cultivation and affirmation of the acceptance of the goals of quality education through integrated classrooms.[10]

The San Fernando Valley Interfaith Council (IFC) is an organization composed not only of religious leaders but also other individuals concerned with social change.[11] The IFC, organized 13 years ago around the State proposition on fair

housing,[12] established a task force on desegregation in the early part of 1976 when rumors and negative reactions to school desegregation began to surface.[13] The IFC appeared before the board of education when the Miller-Rice antibusing resolution was under discussion. In a written statement to the school board, the board of directors of the IFC noted:

> [W]e view with alarm the irresponsibility of the Los Angeles Board of Education in failing to achieve any major programs of equal education opportunity since the concept was endorsed by the Board in 1963. Nor does the Board appear to have any solid plans on which to move at this crucial time.[14]

The Interfaith Council is acutely aware of the seriousness of the issue in the San Fernando Valley and is committed "to working with every resource at our disposal to achieve an integrated quality education for all students."[15] This entails:

> ...encouraging dialogue. We have an information packet on school integration. We have models for seminars and local churches. We have resource persons and we are either establishing or encouraging or offering support to congregations that wish to have some dialogue on this issue.[16]

A major area of concern whenever a desegregation plan is prepared is the pattern of enrollment increases in private or parochial schools. As the major alternative educational system in the area, the schools operated by the

Roman Catholic archdiocese are prime candidates for increased enrollment.

Cardinal Timothy Manning stated that he was aware that some people would use parochial schools as an escape from integration,[17] but the administrative handbooks for both the elementary and secondary schools specifically state that

> ...to avoid allowing Archdioceses to become havens for those desiring to frustrate efforts of public school administrators complying with court-imposed desegregation decisions, principals should exercise vigilance in ascertaining that transfers of pupils from public schools are sought for worthy motives.[18]
>
> Catholic schools of the Archdiocese should not become havens for students who may be seeking to avoid the pressure of integration in any part of the Archdiocese.[19]

Religious leaders have also met regularly with Superintendent Johnston since the Superintendent's Clergy Advisory Committee was established 6 years ago.[20] "And in the last year or year and a half, integration has been the major subject which we discussed...."[21] The main purpose of this committee is communication, "giving suggestions that the school board or the school superintendent and his staff were able to undertake at the time."[22]

Recognizing the importance of religious leadership, the Citizens' Advisory Committee on Student Integration had a clergy subcommittee. One of the major tasks of the clergy subcommittee in conjunction with the clergy advisory

committee was "finding out how many young people are involved in religious or cultural after-school activities who might be affected by additional transportation time."[23] About two-thirds of Jewish children in Los Angeles attend religious school after public school.[24] The logistics involved in providing for the continuation of such programs may lead to increased enrollment in Jewish day schools, which would provide secular as well as religious education.[25]

The clergy subcommittee urged consideration of the issue but was aware that people not in favor of integration would seize the issue as another reason for not integrating the schools.[26] An important statement on the issue of Jewish day schools was made by Rabbi Smith:

> I am positive that the Jewish community will not support the proliferation of day schools, Jewish day schools, to be a haven or refuge for those who are seeking to get away from the implementation of this plan.[27]

RECOMMENDATION--RELIGIOUS LEADERS

•Leaders of religious denominations should encourage all clergy to assume a positive leadership role in support of integrated quality education. Religious coalitions should continue their constructive activities and expand their groups to obtain greater participation by minority clergy.

Although religious leadership has been active and supportive individually, denominationally, and collectively in the process of student integration, it is important that the positions taken by leadership are endorsed and encouraged at the local or congregational level. The leadership of the clergy is most effective when it is applied at the neighborhood and community level. Every effort should be made to encourage local clergymen of all denominations and within all ethnic communities to express and encourage commitment to the moral and legal imperative to ensure equal educational opportunity.

It is also important to place greater emphasis on expanding the membership of religious coalitions to include more minority clergyman from the Mexican American, black, Asian American, and American Indian communities. The validity of the religious commitment to integrated education is seriously undermined if appropriate attention is not given to the inclusion of all ethnic groups in the efforts to unite the community in support of student integration.

NOTES TO CHAPTER VI--RELIGIOUS LEADERS

1. Testimony of Rabbi Joseph Smith, President, Board of Rabbis, Hearing Transcript, p. 387.

2. Rabbi Joseph Smith, President, Board of Rabbis, staff interview, Los Angeles, Calif., Nov. 29, 1976.

3. Testimony of Bishop Robert Rusack, Episcopal Diocese of Los Angeles, Hearing Transcript, p. 386.

4. Testimony of Bishop Charles F. Golden, United Methodist Church, Hearing Transcript, p. 898.

5. Ibid., p. 906.

6. Rev. Quinn Beebe, President, Board of Directors, Los Angeles Council of Churches, staff interview, Los Angeles, Calif., Nov. 22, 1976.

7. Board of Directors, Los Angeles Council of Churches, statement on integration.

8. Beebe interview.

9. Testimony of Rev. Quinn Beebe, Hearing Transcript, pp. 405-06.

10. Beebe testimony, p. 407.

11. Rev. Donel McClellan, President, Board of Directors, San Fernando Valley Interfaith Council, staff interview, Los Angeles, Calif., Nov. 17, 1976.

12. Testimony of Rev. Donel McClellan, Hearing Transcript, p. 408.

13. McClellan interview.

14. Board of Directors, San Fernando Valley Interfaith Council, statement to Board of Education of Los Angeles City Schools, Mar. 11, 1976.

15. Ibid.

16. McClellan testimony, p. 412.

17. Cardinal Timothy Manning, Roman Catholic Archdiocese of Los Angeles, staff interview, Los Angeles, Calif., Nov. 9, 1976.

18. "Section 301(1)--Open Admission," Administrative Handbook--Elementary Schools (Archdiocese of Los Angeles).

19. "Section 4A1.1--Admission, Archdiocesan Guidelines," Administrative Handbook--Secondary Schools (Archdiocese of Los Angeles).

20. Testimony of Rabbi Alfred Wolf, Member, Superintendent's Clergy Advisory Committee, and Chairman, clergy subcommittee of CACSI, Hearing Transcript, pp. 424-25.

21. Ibid., p. 425.

22. Ibid.

23. Ibid.

24. Barbara Weinberg, President, Jewish Federation-Council of Greater Los Angeles, staff interview, Los Angeles, Calif., Dec. 9, 1976.

25. Smith interview.

26. Beebe interview.

27. Smith testimony, p. 397.

VII. LOCAL LAW ENFORCEMENT

FINDINGS--LAW ENFORCEMENT

•Los Angeles Unified School District schools are located within the jurisdictions of the both the Los Angeles Police Department and the Los Angeles County Sheriff's Department. However, responsibility for security on school grounds rests with the school district's security forces.

The Los Angeles Police Department, the Los Angeles County Sheriff's Department, 11 cities, and the California Highway Patrol all have law enforcement responsibilities within the Los Angeles Unified School District. Although the Los Angeles County Sheriff's Department, the largest in the world, has enforcement responsibilities for the entire county of Los Angeles and, therefore, for all of the school district, it exercises most of its authority in the unincorporated areas of the county and in contract cities which have no enforcement bodies of their own.[1]

Although there are 63 district schools located within the exclusive jurisdiction of the sheriff's department and a substantial number of the remainder under the Los Angeles Police Department's authority, neither department has any personnel assigned to the schools for law enforcement purposes. The sheriff's department does have officers

within the schools who are certified teachers. The sheriff's department provides training for the school district's school security officers,[2] and recently LAPD accepted a request from school security personnel to provide training to deal with desegregation-related incidents within the schools.[3]

The Los Angeles Police Department has assigned "School Patrol Units" to one senior or junior high school as well as to several grade schools in each of the 17 police districts and maintains close liaison with each school in the district. School personnel can radio these cars when necessary, and regular contact with school administrators, security officers, and students is maintained.[4] One officer from each of the sheriff's department's county substations is assigned school-related duties.[5] Like the LAPD, the sheriff's department maintains communications with individual schools.

Security for schools, school property, and other district facilities is provided by the school district's independent security agency, the fourth largest police force in Los Angeles County.[6] This security force, which consists of 300 officers who have jurisdiction and authority to investigate and make arrests for violations of law occurring on school grounds,[7] is headed by a former captain and 26-

year veteran of the Los Angeles Police Department. The force is composed of 55 percent blacks, less than 8 percent Hispanics, a few Asian Americans, and about 4 percent women. Personnel are distributed among eight district security sectors which are not coterminous with the district's administrative areas.[8]

The security section is composed of former police officers or persons who have been trained at the Los Angeles Sheriff's Academy.[9] The academy provides instruction in minority affairs during its 16-week training course for district security officers; but the district has no formal inservice training to prepare security officers for controlling racial- or ethnic-based group conflict. This is particularly noteworthy since the majority of the security force is assigned to identifiably minority schools located in the core area.

Chief Security Agent Richard Green has been working closely with the Los Angeles Police Department and has been kept informed of police contingency planning.[10]
Both Chief Davis and Sheriff Peter J. Pitchess believe that Los Angeles is capable of and prepared for ensuring peaceful implementation of school desegregation:

> We have made many plans in this entire field of policing. We have established a cooperative function with all the other law enforcement agencies. We meet with them; we are prepared to

> mobilize; and we are prepared, we are satisfied, to handle whatever situations may arise, whether they're as a result of school desegregation or whatever other problems.[11]

Much of this confidence stems from the fact that Los Angeles was confronted with a massive law enforcement challenge during the 1965 Watts riots, from which area law enforcement bodies derived invaluable experience in coordinating preventive and responsive strategies.[12]

•The Los Angeles Police Department has taken a public, aggressive, and positive stance supporting the peaceful implementation of court-ordered integration and has assured the public that the department will be prepared to meet its responsibilities with regard to school desegregation.

(a) The Los Angeles Police Department has developed an internal preparedness program.

(b) The Los Angeles Police Department has engaged in an extensive community relations campaign and has initiated efforts to coordinate law enforcement preparations and activities with other enforcement agencies.

(c) Chief of Police Edward Davis has assumed a leadership role in mobilizing other segments of the Los Angeles community to support peaceful implementation of school desegregation.

Chief Davis has repeatedly emphasized that the Los Angeles Police Department expects the community to comply

with any desegregation order that is finally approved by the court. In several forums, including television and radio, the chief has made statements indicating that the department is asking for and is expecting to get "reverence for the law," regardless of individual feelings about desegregation. He his made it his department's objective to coordinate efforts in the city of Los Angeles toward peaceful implementation of a desegregation plan.[13]

In April 1976 Chief Davis organized a unit within the department designated "Operation Solidarity," which he vested with responsibility for development of desegregation-related police contingency plans.[14] Operation Solidarity meets at least monthly upon call of its chairman, Commander John Demarest. Operation Solidarity has representation from each of the department's three major offices (operations, administrative services, and special services). Five commanders constitute the core group of contingency planners with eight other persons serving in an advisory capacity to Operation Solidarity. The chief of security of the Los Angeles Unified School District has participated in these meetings in an effort to coordinate areas of mutual concern.

Operation Solidarity activity is concentrated on (1) postulating any unusual occurrences or school-related illegal incidents which might arise as a result of

desegregation and developing plans and tactics to deal with them; (2) developing a massive training program within the department for dealing with desegregation; and (3) developing a community education program.[15]

Members of Operation Solidarity traveled to Boston, Louisville, and Dallas to gain an understanding of actions which positively and negatively affected the desegregation process in those cities. They spoke with police chiefs, police personnel who had served in command positions during the desegregation effort, school officials, teachers, students, and community and business representatives. Research of news media coverage was also conducted.[16]

Operation Solidarity has also initiated a massive internal training program geared toward preparing officers for dealing with desegregation. The top level command personnel, veterans of the Watts disturbances, are training command personnel in the:

> lessons that were learned out of the civil rights incidents of the '60's. Things such as the police avoiding becoming the center of a controversy, using a very minimal amount of obvious force, but being ready to protect the public.[17]

The task force plans to coordinate desegregation training with the department's regular training program in which all personnel are required to participate. The desegregation training tries to inculcate in officers a

determination to vigorously enforce the law, regardless of their personal views on desegregation. Chief Davis considers this particularly important since many officers live within the school district and may have strong personal feelings about the final plan. The training encourages "professionalism" and "total objectivity in enforcing the law.[18]

The Los Angeles Police Department has also developed plans for two rumor control systems, one within the department itself and the other outside the department, primarily for concerned parents. The department's school patrol cars will be used in the rumor control system.[19] As part of his effort to involve the community, encourage "reverence for the law," and decrease the potential for violent incidents, Chief Davis has organized a group of approximately 25 citizens, called "Community Principals." The group, which meets monthly to discuss attitudes and ideas pertinent to Los Angeles school desegregation, includes substantial minority participants as well as representatives from the business community, the media, religious and community organizations, and elected public officials.[20] Operation Solidarity developed community education material for Community Principals, including a slide presentation which focuses on desegregation-related

incidents in Boston and Louisville. The emphasis of the presentation is that problems which occurred in those two cities were in part due to the absence of a united community front for peaceful implementation of the law.[21]

The department has also arranged meetings, both formal and informal, with representatives from the other law enforcement bodies in the area to coordinate law enforcement efforts relating to school desegregation. Other law enforcement agencies have agreed to maintain liaison with the department on the subject of school desegregation in the interest of presenting a coordinated effort on that issue.[22] In August 1976 Chief Davis sent a letter to each law enforcement body with district schools within its jurisdictions conveying LAPD's posture on desegregation and stating that, unless otherwise stated by the agency, a united effort would be assumed. None of the agencies took exception to that assumption.[23]

In addition to the major undertakings by Operation Solidarity, Chief Davis has encouraged other leaders to support publicly a court-approved desegregation plan.[24] The chief met with representatives of the media to encourage news presentation in such a way as to create the least difficulty for law enforcement.[25] Contacts with lawyers and judges from various communities within the school district

were made to brief them on the department's activities and the importance of a unified criminal justice system in support of reverence for the law.[26] The chief also intends to talk to persons running for the board of education in April in an effort to convince them not to make school desegregation an issue in their campaigns.[27]

RECOMMENDATIONS--LAW ENFORCEMENT

•Law enforcement agencies in addition to the Los Angeles Police Department should make a public commitment to the peaceful implementation of a desegregation plan.

The success of law enforcement with respect to school desegregation will also require a uniform strategy throughout the school district. The Los Angeles Police Department has done a commendable job in attempting to organize a unified enforcement effort among the various agencies. However, because the LAPD cannot dictate policy to those agencies, it is imperative that each agency issue a public statement of its commitment to peaceful implementation of a desegregation plan. Without such a statement, neither the communities for which they have jurisdiction nor their own personnel will have a clear idea of what is expected of them during the implementation process.

•The Los Angeles Police Department, the Sheriff's Department, and the school district's security force should give force to their public statements by establishing comprehensive internal training mechanisms for dealing with desegregation.

For an agency policy to be implemented, it is necessary that those ultimately responsible for such implementation be fully apprised of it, and that they be instructed as to their particular obligations. This can only be accomplished through a comprehensive internal training program for which the LAPD efforts can serve as a model. It is equally important that the school district specifically authorize its chief of security to initiate a program to plan and train for the probable increased security requirements created by desegregation implementation.

NOTES TO CHAPTER VII

1. Peter J. Pitchess, Sheriff, Los Angeles County, staff interview, Los Angeles, Calif., Nov. 18, 1976.

2. Peter J. Pitchess, testimony before the U.S. Commission on Civil Rights, hearing, Los Angeles, Calif., Dec. 13-15, 1976, transcript, p. 432 (hereafter cited as Hearing Transcript). In addition, 300 sheriff's department employees are certificated teachers as well. Pitchess interview.

3. John Demarest, Commander, Uniformed Services Group, Los Angeles Police Department, telephone interview, Feb. 3, 1977.

4. Homer F. Broome, Jr., Commander, Commission Services Coordinator, Los Angeles Police Department, letter to Frederick D. Dorsey, Assistant General Counsel, U.S. Commission on Civil Rights, May 4, 1977.

5. Pitchess interview.

6. Richard W. Green, Chief Security Agent, LAUSD, letter to Richard Baca, General Counsel, U.S. Commission on Civil Rights, Apr. 27, 1977.

7. Ibid. See also Cal. Educ. Code §15831 et seq. for authority of security patrols.

8. Richard W. Green letter to Richard Baca, Apr. 27, 1977.

9. Ibid.

10. Ibid.

11. Testimony of Peter J. Pitchess, Hearing Transcript, p. 436.

12. Testimony of Edward Davis, Chief, Los Angeles Police Department, Hearing Transcript, pp. 435, 443-44.

13. Ibid., pp. 432-33.

14. John Demarest, Commander, Uniformed Services Group, Los Angeles Police Department, staff interview, Los Angeles, Calif., Nov. 18, 1976.

15. Ibid.

16. Ibid.

17. Testimony of Edward Davis, Hearing Transcript, p. 435.

18. Ibid., pp. 433-36.

19. Minutes of meeting between LAPD personnel and Community Principals, Aug. 26, 1976, p. 2, and testimony of Edward Davis, p. 462.

20. Lt. Ronald Nelson, Director, Human Relations, Los Angeles Police Department, staff interview, Los Angeles, Calif., Nov. 17, 1976, and Minutes of Community Principals meeting, Aug. 26, 1976.

21. Demarest interview.

22. Minutes of Community Principals meeting, Aug. 26, 1976.

23. Ibid.

24. Demarest interview.

25. Nelson interview.

26. Demarest interview.

27. Nelson interview.

VIII. FEDERAL, STATE, AND LOCAL ENFORCEMENT OF LEGAL OBLIGATIONS

Too many Federal, State, and local public officials who make policy decisions that affect public education in the Los Angeles Unified School District have persisted in ignoring the constitutional and moral imperatives set forth so clearly by the Supreme Court more than 20 years ago in Brown v. Board of Education of Topeka (347 U.S. 483). Knowing that a segregated education is not only inherently unequal but also constitutionally impermissible, they have still refused to fulfill their legal obligations. Because of their omissions, generations of young people have been deprived of opportunities to participate in programs which would have helped them to realize their potential.

The situation now confronting Los Angeles clearly demonstrates the effects of the Federal Government's failure to pursue a policy of vigorous enforcement of Title VI of the Civil Rights Act and the local school administration's failure to honor its legal obligations under the Constitution of the United States and the constitution of California. Had these officials acted, Los Angeles would

today be experiencing the positive results that flow from desegregation. Instead, it is a city divided and polarized as yet another generation of students awaits the concerted effort from the public officials necessary to ensure that their generation is not deprived of the opportunity for an equal education.

FINDINGS

•The Los Angeles Unified School District has been receiving substantial amounts of Federal funds since the passage of Title VI of the Civil Rights Act of 1964 and therefore has been subject to the requirements of that act.

The Los Angeles Unified School District receives about $30 million in Federal funds for special programs. For school year 1976-77, the district received $28 million under Title I of the Elementary and Secondary Education Act (ESEA) for compensatory education programs,[1] almost $1.5 million under Title VII of ESEA for bilingual education programs,[2] and $465,000 under Title IV of ESEA for American Indian education programs.[3] All ESEA funds received by the school district are distributed by the State board of education. The district has also sought technical assistance funds under Title IV of the 1964 Civil Rights Act[4] and desegregation implementation funds under the Emergency School Aid Act (ESAA).[5]

Under Title VI of the Civil Rights Act of 1964[6] and Department of Health, Education, and Welfare regulations,[7] a school district recipient of Federal funds for educational programs must assure HEW that it does not operate or maintain a segregated school system. ESAA and HEW regulations implementing ESAA[8] also have independent and stringent nondiscriminatory provisions. Consequently, on two separate bases the district is subject to investigation, evaluation, and enforcement by HEW with respect to its discriminatory or segregative policies and practices or the results of such policies and practices. As a primary recipient of ESEA funds, the California State Board of Education is also subject to the requirements of Title VI and HEW regulations.

•The Secretary of HEW, the California State Board of Education, and the California Superintendent of Public Instruction all have Title VI enforcement responsibilities with respect to the use of Federal funds by the Los Angeles Unified School District.

The general statutory nondiscrimination prohibition of Title VI of the Civil Rights Act of 1964[9] generally prohibits discrimination in federally-assisted programs and specifically provides that an "agency which is empowered to extend Federal financial assistance...by way of grant..."

has the authority and responsibility to promulgate regulations effectuating the purposes of Title VI.[10] HEW has exercised its responsibility and authority under this act by promulgating and implementing regulations.[11] Federal courts have held that HEW's enforcement responsibility under Title VI and its regulations is not discretionary. Although Title VI provides for both voluntary compliance procedures and the termination of Federal funds, it has been held that HEW may not continue to dispense funds to noncomplying recipients indefinitely while voluntary compliance is being negotiated.[12] HEW has an obligation to seek termination of Federal funding to any recipient that does not respond favorably to voluntary compliance negotiation within a reasonable period.[13]

California State law accepts the provisions of ESEA and expressly agrees to "comply with all of their provisions and to observe all of their requirements."[14] State law also provides:

> The State Board of Education is hereby vested with all necessary power and authority to cooperate with the Government of the United States, or any agency or agencies thereof in the administration of these acts of Congress and the rules and regulations adopted thereunder.[15]

The State board and the State superintendent are the responsible State officials for the administration of Federal funds under ESEA[16] and have an affirmative

obligation under the provisions of Title VI and HEW regulations to ensure that any school district receiving Federal funds administered by the State does not discriminate in the operation of these federally-funded programs.[17]

Under the same HEW regulations, special provision is made for elementary and secondary public schools. Such schools are deemed to have satisfied the assurance requirement established by 45 C.F.R. §80.4(a) and (b) if, under the guidelines in (c):

> ...such school or school system (1) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, or (2) submits a plan for the desegregation of such school or school system which the responsible Department official determines is adequate to accomplish the purposes of the Act and this part, at the earliest practicable time, and provides assurances that it will carry out such plan....[18]

In the case of elementary and secondary schools, the State board and State superintendent could have satisfied the requirements of Title VI and HEW regulations by obtaining from a segregated or unlawfully racially isolated school district a suitable desegregation plan and an assurance that such plan would be implemented.[19] The Los Angeles Unified School District does not have such a plan, but the State superintendent for public instruction has

continued to approve substantial Federal funding for the district.

Between 1973 and 1977, although the district received Federal funds under various programs, it did not meet either of the exemptions listed in C.F.R. §80.4(c) and was therefore required under Title VI to eliminate segregation and provide the required assurance. The district did neither.

•The Department of Health, Education, and Welfare has failed to enforce vigorously or effectively Title VI of the Civil Rights Act of 1964 with respect to the Los Angeles Unified School District and has attempted to dilute the nondiscrimination prohibitions of the Emergency School Aid Act regulations so that the school district could be eligible for ESAA benefits without complying with staff desegregation requirements.

In 1971, shortly after the trial court's decision in Crawford, the Department of Health, Education, and Welfare's survey of school districts nationwide concluded that the Los Angeles Unified School District was the most segregated school district in the United States.[20] These facts should have given rise to a presumption that the district was in violation of Title VI of the Civil Rights Act of 1964 by virtue of its student and faculty assignments.[21]

In May 1973 the district applied for funding under the Emergency School Aid Act (ESAA) and supplied data regarding student and staff assignments. HEW analysis of that data resulted in a determination by the Office of Education of HEW "that a number of the district's schools are racially identifiable by reason of the racial composition of their faculties."[22] HEW declared the district ineligible for ESAA funding but made no mention of student assignment problems or possible Title VI violations.[23]

The absence of aggressive Title VI review and enforcement by HEW at that time is not surprising. On February 16, 1973, a district court found that HEW had failed to enforce Title VI appropriately in relation to higher education institutions.[24] This decision, which was affirmed in pertinent part,[25] required HEW to limit voluntary compliance negotiations where adequate response was not forthcoming within a reasonable time.[26] In May 1973, it would appear that there was sufficient faculty and student data available upon which to base a full Title VI investigation.

However, HEW not only failed to pursue aggressively Title VI compliance by the school district, but it has also sought to dilute the nondiscrimination requirements of its own ESAA regulations.

The Emergency School Aid Act provides funds to desegregating school districts to assist in the implementation of desegregation and declares ineligible for assistance any applying district which has engaged in discriminatory practices in its treatment of employees or students since June 23, 1972.[27] There is a provision in ESAA which permits the Secretary of HEW to grant a waiver of ineligibility:

> upon determination that any practice, policy, procedure or other activity resulting in ineligiblity has ceased to exist, and that the applicant has given satisfactory assurance that the activities prohibited in this subsection will not reoccur.[28]

The provision means that school district applicants must have ended all policies and practices which discriminate by race in teacher assignments and must have eliminated racially identifiable school faculties prior to receiving a waiver of ineligibility under the ESAA or HEW regulations pursuant to that act.[29]

In June 1973 the Secretary of HEW ordered the Office of Education to revise the ESAA regulations, and the Office of Educatibn notified the district that regulations would be modified to permit the district to be granted a waiver of ineligibility and ESAA funding for school year 1973-74.[30] HEW promulgated new regulations which permitted districts applying for funds under ESAA to be granted waivers of

ineligibility even though the "practice, policy, or procedure, or other activity resulting in the ineligibility"[31] had not "ceased to exist or occur"[32] and the district's application did not "include such provisions as are necessary to insure that such activities do not reoccur after the submission of the application."[33]

The Los Angeles Unified School District and several other districts were notified of the Secretary's intention to grant waivers under the new regulations,[34] but HEW was enjoined from proceeding under the new regulations. Although the district court upheld the HEW regulations,[35] the court of appeals reversed the district court and ruled in essence that HEW could not interpret Title VI to permit Federal funding of a currently discriminating or segregating district.[36]

According to the court in Kelsey v. Weinberger, the new regulations:

> would, however, allow the agency to continue one-race faculties for one year and racially identifiable faculties for two years. The regulation would also eliminate the administrative definition of a racially identifiable faculty without provision of any substitute.[37]

As a result of the court's decision in Kelsey v. Weinberger on May 14, 1974, HEW was precluded from implementing the new regulations[38] and the Los Angeles Unified School District,

which had still not desegregated its faculty, remained ineligible for ESAA funding.[39]

Again, in 1974, HEW received a school district request for funding under ESAA and, based on data submitted by the district, the Office for Civil Rights concluded that the district's faculty and student body composition indicated racially identifiable schools. HEW's 1974 rejection of the district's ESAA proposal and denial of the district's request for waiver of ineligiblity under ESAA did not make any reference to possible Title VI violations based on faculty or student assignment.[40] Not until April 7, 1975, did HEW notify the district that its faculty distribution raised "a presumption that the district is assigning faculty and staff in a discriminatory manner in violation of Title VI of the Civil Rights Act of 1964."[41] Even then HEW did not refer to student assignment as a possible element of the district's Title VI violation. All of the elements noted in the HEW letter to the district had been covered in HEW's rejection of both the 1973 and 1974 ESAA proposals. The district steadfastly insisted on gradual, long-range voluntary staff desegregation notwithstanding the fact that, as HEW noted, there was no change in faculty composition by school between 1973 and 1975.[42] Despite the survey results of 1971, HEW took no action under Title VI to review the

district's policies and practices relating to student assignment. And, despite ESAA compliance reviews in 1973 and 1974, it was not until 1975 that HEW noted that the district's faculty distribution raised a "presumption" of Title VI violation.[43]

Finally, on March 5, 1976, in a letter which outlined the history of HEW and Los Angeles Unified School District interaction relative to staff integration in the district, HEW formally notified the district of Office for Civil Rights' finding of Title VI violation and gave the district 30 days to submit a staff integration plan or face possible termination of all Federal funding.[44] The district's initial response to the hard-line HEW position was to request data on the racial, ethnic, and sex composition of OCR Region IX staff.[45] However, on April 5, 1976, the district agreed to file a plan for staff integration to be implemented in two phases but to be completed by September 1978.[46]

In all of the negotiations and communications between the Los Angeles Unified School District and HEW, there has been no indication of any HEW enforcement effort relating to student assignment or racial identifiability of district schools by student composition. In fact, there is some correspondence which suggests that correction of faculty

segregation eliminated any impediment to ESAA funding. In a letter dated October 28, 1976, Martin Gerry, then the Director of the Office for Civil Rights, explicitly stated that the district could expect OCR support (recommendation of approval) for any ESAA request for waiver of ineligibility under ESAA submitted after all staff integration assignments for school year 1977-78 were made.[47] This encouragement was unwarranted under the circumstances because OCR approval of any ESAA application must first be conditioned on a review of that application in accordance with procedures set forth in HEW regulations. The October 1976 letter was not only premature but it was also improper in that such a statement was inconsistent with HEW regulations. Yet this letter was written by the Director of OCR.

On December 9, 1976, the regional OCR director clarified the ESAA requirements for funds and listed in some detail the specific review procedures to which any ESAA proposal submitted by the district would be subjected. This letter indicated that faculty assignment was but one area of compliance required for ESAA eligibility.[48] The net effect of the letter, however, was to put the district on notice that it might still be out of compliance with ESAA regulations for a number of reasons and that a full ESAA

review would be conducted prior to any OCR recommendation for approval.

When the district resubmitted an ESAA proposal, in January 1977, HEW responded that the application was being reviewed by regional OCR but noted it was incomplete for lack of an acceptable desegregation plan for faculty or students.[49] Despite this obvious deficiency, it was not until February 25, 1977, that HEW notified the district that its application was formally rejected. In that letter, HEW premised its rejection of the application on the district's failure to include either a court-ordered or voluntary faculty or student desegregation plan. It was also noted that satisfaction of this threshold problem would not guarantee funding. However, the letter mentioned only that the quality of the proposal would be a factor and omitted any reference to the requirement for pre-grant review of the application to determine full ESAA compliance.[50] Such omissions necessarily obfuscate the real issue--the district must initiate meaningful desegregation of its school system prior to an award of Federal funds under ESAA.

The Citizens' Advisory Committee on Student Integration determined that the district has 198 minority segregated elementary schools, and the district acknowledges 264 elementary schools in which students are racially isolated.

Nonetheless, no statement has been made by HEW indicating possible Title VI violations with respect to student assignment. HEW failed to consider available evidence and failed to gather facts relative to possible violations of Title VI by the Los Angeles Unified School District. Consequently, the school district received Federal funds from 1971 to 1977 in violation of Title VI of the Civil Rights Act of 1964 and HEW regulations, 45 C.F.R. §80.1 et seq.

•The California Board of Education and the superintendent of public instruction have violated the provisions of Title VI of the Civil Rights Act of 1964 by distributing Federal funds to a segregated school district.

The State board of education, specifically its executive officer, is required to assure that Federal funds will not be dispensed to a school district out of compliance with Title VI. Since 1970 students within the Los Angeles Unified School District have been segregated and the district has not been operating under a court-ordered school desegregation plan or an HEW-approved voluntary desegregation plan. Between 1973 and 1976 the State superintendent of public instruction knew or should have known that the district's staff distribution violated HEW regulations. On June 19, 1973, the State superintendent

acknowledged the HEW finding of ineligibility for the district's ESAA proposal (necessarily including the finding of racially identifiable schools by faculty assignment) and lobbied in concert with the district for exemption from ESAA regulations and full district funding.[51] The State superintendent of public instruction continued to dispense Federal funds to the district despite the fact that the district's staff integration had not improved between 1973 and 1975. It is not clear whether the State superintendent has the specific authority either to initiate termination of Federal funding or to refuse to distribute Federal funds to noncomplying recipient school districts. However, the State continued to provide HEW with the required "assurances" of nondiscrimination and apparently HEW continued to accept these assurances even though both HEW and the State superintendent had reason to believe that the district was in violation of Title VI.

•The Los Angeles Unified School District has consistently refused to comply with the nondiscrimination requirements of Federal statutes and regulations while receiving and requesting Federal funds.

The findings of fact in the Crawford case demonstrated the segregated character of the district's schools. All the classic ingredients of a segregated system were present--

segregated student bodies, segregated faculties, low academic achievement by minorities, and poorer quality facilities in minority schools. The 1971 HEW survey substantiated the district's segregation. In 1973, 3 years after Crawford and 2 years after the HEW survey, district figures submitted to HEW for ESAA funding revealed racially identifiable schools by faculty composition.[52] The district contended, during the ensuing negotiations, that HEW should accept the voluntary staff integration initiated by the district which included voluntary transfers, affirmative action recruitment and hiring, and replacement of retiring teachers with minority hires. The district maintained that it did not want an exemption from ESAA regulations, but needed more time to effectuate compliance than the regulations and the statute permitted.[53] Despite the district's optimistic projections of anticipated voluntary staff integration,[54] there was no significant change in student and faculty distribution by race or ethnicity. Commenting on the comparison between district data for the 1972-73 and 1973-74 school years, the Office for Civil Rights noted:

> In the 1972-73 school year, the Los Angeles Unified School District maintained a total of 270 racially identifiable schools on the basis of student and/or faculty assignment. And examination of the data submitted to the Office for Civil Rights for each school in

> your district for the 1973-74 school year indicates little or no change in the minority composition either of the students or of the full-time classroom teachers of these schools as compared with the previous school year.[55]

The district's steadfast insistence on staff integration using gradual, long-range voluntary methods was merely a ploy to avoid any significant progress toward desegregation. In April 1975, when HEW finally notified the district that its assignment of faculty was in violation of Title VI, the district still had not significantly reduced the racial or ethnic identifiability of its schools in the 2 years since HEW's original notification.[56] Not only did the district refuse to implement any mandatory staff integration, but it also declined to make any voluntary improvement in the 3 years between 1973 and 1976.[57] Only under the specific threat of losing all Federal funds did the district finally agree to implement a realistic plan for staff integration.[58]

On September 20, 1976, relying on its agreement with HEW to implement staff integration and on "an expanded voluntary pupil transportation effort," the district again sought ESAA funding.[59] At the same time the district purported to be creating a student integration plan in which expanded voluntary transfer (PWT) program (which the district claimed was currently being implemented) would be a

part, the board delayed taking any action on the Citizens' Advisory Committee on Student Integration's proposal to expand the PWT program.

In January 1977, notwithstanding its December 28, 1976, letter which anticipated great difficulty in meeting the requirements of ESAA, the district resubmitted an ESAA proposal. Consistent with its established pattern, this application did not meet ESAA requirements because it did not include an acceptable plan for student or faculty desegregation.[60] After 4 years of HEW-district interaction on ESAA, the district continues to demonstrate inability or unwillingness to acknowledge its obligations under Federal law. In its letter refuting the HEW determination of ineligiblity, the district contends that it has adopted and will implement, if assisted, a student integration plan within the purview of ESAA (20 U.S.C. §1605(a)(1)(ii)).[61] No such plan was submitted with the district's application[62] and, in any case, a plan submitted under ESAA must meet the requirements of Title VI. The district, contending that it is under court order to integrate even though there is no court-ordered plan, has formally requested an opportunity to show cause why the determination of ineligibility should be revoked.[63] Despite the assertions of the district, it appears certain that the district is ineligible to apply for

ESAA funds because it did not attach a student integration plan with its application (court-ordered or voluntary), it is not under a court-ordered desegregation plan, and it has not submitted a voluntary student desegregation plan to HEW which could be reviewed for compliance with Title VI and ESAA requirements.

CONCLUSION

From 1973 to 1977 the Los Angeles Unified School District had four opportunities to obtain valuable Federal financial assistance which potentially could have amounted to $100 million (if the current $25 million request is indicative of available funds). But more importantly, if the district's dilatory strategy and resistance to desegregation had been met by aggressive Title VI and ESAA compliance enforcement by HEW, the district could have lost more than $100 million in Federal funds received during that period. It is more than likely that an earlier, meaningful threat of loss of Federal funds would have prevented the present situation.

Since 1973 virtually all of the district's 600,000 students received a segregated education unnecessarily and in violation of the Federal and California constitutions,

statutes, and case law. The Los Angeles City Board of Education has unlawfully failed to fulfill its duty to desegregate. The State board of education and superintendent of public instruction have been guilty of nonfeasance for failure to require the school district to meet aggressively and affirmatively its State and Federal lawful obligations. The Department of Health, Education, and Welfare has been guilty of gross nonfeasance for failing to enforce aggressively, consistently, and affirmatively the laws for which it has specific authority and responsibility.

RECOMMENDATIONS

•The State board and the State superintendent should aggressively discharge their obligations under State and Federal law to ensure that no discrimination exists in any federally-funded educational programs.

Whatever general responsibility the State board and State superintendent might have with respect to monitoring school districts and eliminating racial isolation under California law, there is an independent legal obligation to intervene by the State education officials in districts receiving Federal funds regulated by HEW regulations. To fulfill legitimately its requirement to make Title VI assurances to HEW, the State board must use the full weight of its office to encourage and compel elimination of

segregation by refusing to distribute Federal funds to noncomplying districts.

Whereas it is true that the ultimate victims of the enforcement of civil rights requirements in educational programs are children, it does not follow that government agencies, State or Federal, can continue to fund local segregated programs on the rationale that withholding funds would inflict an inappropriate penalty on children. First, it has already been determined both judicially and legislatively that segregation and discrimination inflict a penalty on children. Secondly, it must be noted that federally-funded programs (ESEA in particular) pay for teachers, administrators, and parents aides, all of whom to varying extents have the power to bring about changes in segregating or discriminating practices. The Congress has determined that, when education administrators refuse to eliminate segregation and discrimination, Government agencies must refuse to subsidize illegal behavior. This view of the appropriate role of the State board and the superintendent is even more justified in California, where State law prohibits segregated schools and provides that the State board and superintendent must make and administer regulations and policies for public schools consistent with State law.

It is wholly inappropriate for the State board or State superintendent to take either the view that they have no affirmative responsibility or authority and must wait to be invited to assist the Los Angeles Unified School District in its integration efforts or the view that they have the option to permit violating districts to continue to receive funds so that the quality of education is not diminished. Title VI and HEW regulations set forth strict requirements. The California State board and State superintendent must ensure compliance with these requirements or deny funding.

•The Department of Health, Education, and Welfare must initiate an aggressive, affirmative enforcement posture insisting that the Los Angeles Unified School District comply with ESAA and Title VI nondiscrimination requirements.

Los Angeles is one of the few school districts studied by this Commission in which HEW not only found ESAA noncompliance, but also found noncompliance with Title VI nondiscrimination requirements and threatened initiation of Title VI fund cutoff procedures. In school districts such as Los Angeles, where there is a long history of minimal compliance or noncompliance with constitutional and other legal desegregation requirements, HEW should apply firm pressure in support of school desegregation through its

control of Federal funds. This decision is not an easy one because often the Federal funds that may be denied or cut off are intended to go to precisely those students who have suffered most acutely from discrimination in the school system. Nonetheless, an expressed HEW commitment to enforce the law and to insist upon quality proposals will better serve this Nation in the long run and more likely force compliance by program recipients than a policy that gives funds to school districts found to have violated civil rights laws.

NOTES TO CHAPTER VIII

1. 20 U.S.C. §241a et seq. and Jan Williams, Regional Program Specialist, Title I, Region IX, OE, HEW, telephone interview, Feb. 10, 1977.

2. 20 U.S.C. §880b et seq. and Mirta Gonzales Feinberg, Coordinator, Bilingual Programs, LAUSD, staff interview, Los Angeles, Calif., Nov. 19, 1976.

3. 20 U.S. §241aa et seq. and Shirley Hendrick, Teacher Coordinator, Indian Education Program, LAUSD, staff interview, Los Angeles, Calif., Nov. 23, 1976.

4. 42 U.S.C. §2000c and testimony of Alfred Villa, Assistant Regional Commissioner for Elementary and Secondary Education, Office of Education, HEW, before the U.S. Commission on Civil Rights, hearing Los Angeles, Calif., Dec 13-15, 1976, transcript, p. 661 (hereafter cited as Hearing Transcript).

5. 20 U.S.C. §1601 et seq. Herman R. Goldberg, Associate Commissioner Equal Educational Opportunity, HEW, letter to William J. Johnston, Superintendent, LAUSD, Feb. 25, 1977.

6. 42 U.S.C. §2000d

7. 45 C.F.R. §80.1 et seq.

8. 45 C.F.R. §185.01 et seq.

9. 42 U.S.C. §2000d

10. 42 U.S.C. §2000d-1

11. 45 C.F.R. §80.1 et seq.

12. Adams v. Richardson, 480 F.2d 1159 (D.C. Cir. 1973).

13. Id. at 1163.

14. Cal. Educ. Code §552.

15. Cal. Educ. Code §553.

16. Cal. Educ. Code §§105, 254, 255, 352, 353, 552, and 553. The State board of education receives Federal funds under ESEA which it distributes to local school districts including the Los Angeles Unified School District. Testimony of Wilson Riles, State Superintendent of Public Instruction, Hearing Transcript, pp. 584-85; Shizuko Akasaki, Assistant Superintendent, Compensatory Instructional Programs Divisions, LAUSD, Hearing Transcript, pp. 674-75; and Jan Williams, Regional Program Specialist, Title I, OE, HEW, Hearing Transcript, pp. 648-49.

17. 42 U.S.C. §2000d. and 45 C.F.R. §80.4(a) and (b).

18. 45 C.F.R. §80.4(c).

19. Id.

20. 1971 Enrollment Survey by the Department of Health, Education, and Welfare, 118 Cong. Rec. 565 (1972).

21. 42 U.S.C. §2000d. Title VI prohibits faculty and student segregation in districts receiving Federal funds.

22. Robert A. Crummel, Acting Regional Commissioner, Region IX, OE, HEW, letter to William J. Johnston, Superintendent, Los Angeles Unified School District, May 27, 1973.

23. Ibid.

24. Adams v. Richardson, 356 F. Supp. 92, 94 (D.C. 1973).

25. Adams v. Richardson, 480 F.2d 1159 (D.C. Cir. 1973).

26. Id. at 1163.

27. 20 U.S.C. §1605(d)(1)(A)-(D). Prohibited practices include discrimination against or segregation of minority teachers and students.

28. 20 U.S. C. §1605(d)(1).

29. Kelsey v. Weinberger, 498 F.2d 701, 711 (D.C. Cir. 1974).

30. Herman R. Goldberg, Associate Commissioner, Bureau of Equal Educational Opportunity, HEW, letter to William J. Johnston, undated; and news release, OE, HEW, June 29, 1973.

31. 20 U.S.C. §1605(d)(1).

32. Id.

33. Id.

34. Kelsey v. Weinberger, 498 F.2d 701, 706 (D.C. Cir. 1974). The five cities involved are Los Angeles, Baltimore, Detroit, Richmond, and Rochester. All five districts involved wanted to use gradual and voluntary methods to accomplish compliance with Title VI. At 705-706. See also, Goldberg letter to Johnston, undated; and news release, OE, HEW, June 29, 1973.

35. Kelsey v. Weinberger, 363 F. Supp. 521 (D.C. D.C. 1973).

36. 498 F.2d at 711.

37. Id. at 705.

38. 498 F.2d 701.

39. Edward Aguirre, Regional Commissioner, Regional IX, OE, HEW, letter to William J. Johnston, Mar. 14, 1974.

40. Ibid.

41. Floyd L. Pierce, letter to William J. Johnston, Apr. 7, 1975.

42. Ibid.

43. Ibid.

44. Floyd L. Pierce, letter to William J. Johnston, Mar. 5, 1976.

45. Floyd L. Pierce, letter to William J. Johnston, Mar. 17, 1976.

46. William J. Johnston, letter to Floyd L. Pierce, Apr. 5, 1976.

47. Letter to William J. Johnston, Oct. 28, 1976.

48. Floyd L. Pierce, letter to William J. Johnston, Dec. 9, 1976.

49. Duane M. Bjerke, Acting Regional Commissioner, OE, HEW, letter to William Johnston, Jan. 27, 1977.

50. Herman R. Goldberg, Associate Commissioner, Equal Educational Opportunity Programs, HEW, letter to William J. Johnston, Feb. 25, 1977.

51. Wilson Riles, Superintendent of Public Instruction and Director of Education, State of California, letter to Caspar Weinberger, June 19, 1973.

52. Crummel letter to Johnston, May 27, 1973.

53. William J. Johnston, letter to Caspar Weinberger, Secretary, HEW, June 11, 1973.

54. William J. Johnston, letter to Peter Holmes, Director, OCR, HEW, May 30, 1973.

55. Aguirre letter to Johnston, Mar. 14, 1974.

56. Pierce letter to Johnston, Apr. 7, 1975.

57. Pierce letter to Johnston, Mar. 5, 1976.

58. Johnston letter to Pierce, Apr. 5, 1976.

59. Johnston letter to David F. Mathews, Secretary, HEW, Sept. 20, 1976.

60. Bjerke letter to Johnston, Jan. 27, 1977.

61. William J. Johnston, letter to Herman R. Goldberg, Mar. 3, 1977.

62. Bjerke letter to Johnston, Jan. 27, 1977, and Goldberg letter to Johnston, Feb. 25, 1977.

63. Johnston letter to Goldberg, Mar. 3, 1977. Note also that the district has not supplied HEW with district data required under ESAA, requested by OCR, and essential to a predetermination eligibility review. William J. Johnston, letter to Martin Gerry, Dec. 3, 1976, and Martin Gerry, letter to William J. Johnston, Jan. 17, 1977.

IX. REMEDIES FOR SEGREGATION

FINDINGS

•The obligations to eliminate segregated schools and the standards to be followed by the school board and the trial court in doing so are set forth by the supreme court of California in Crawford v. Board of Education of the City of Los Angeles.

The legal basis for requiring the desegregation of the Los Angeles schools is the California Supreme Court's ruling in Crawford v. Board of Education of the City of Los Angeles. Accordingly, the plan submitted by the board (and any which the court may finally approve) must be evaluated by the standards set forth in that case.

The California Supreme Court broadened the standards imposed on school boards by eliminating the distinction between school segregation resulting from de jure as opposed to de facto conditions. Explicitly applying the basic finding in Brown v. Board of Education of Topeka[1] that racially separate educational facilities are inherently unequal, the court held in Crawford that the Brown finding is applicable in California "regardless of the cause of such

segregation"[2] and that "constitutional evil inheres in the existence of segregated schools."[3] As a result, constitutional violations can be established without intent--a significantly higher standard than that imposed by Federal law.[4] In light of this broad California standard, coupled with the constitutional principle that "the scope of the remedy is determined by the nature and extent of the violation,"[5] Crawford must be construed to require a remedy that promises to achieve the greatest degree of desegregation, i.e., because the nature of the violation under Crawford is greater, the scope of the remedy must be greater to redress the violation.

What is required by the California constitution is not racial balance, where each school reflects the racial balance of the district's total student population.[6] Variances in racial ratios among schools within a district and one-race majority schools are not per se impermissible. However, any school in which "the minority enrollment is so disproportionate as realistically to isolate minority students from other students in the district" is constitutionally prohibited.[7]

In reaching these conclusions, the court made numerous references to Federal case law, adopting explicitly and by implication the holdings in Brown v. Board of Education, 347

U.S. 483 (1954); Keyes v. School District No. 1, Denver, Colorado, 413 U.S. 189 (1973); and Swann v. Board of Education, 402 U.S. 1 (1971), particularly with respect to standards to be applied in determining segregated schools. Nonetheless, it is clear that the Crawford decision relies solely on article 1, section 7, subdivision (a) of the California constitution as the basis for the finding of violation and the scope of remedy.[8]

•Under California constitutional law the school board bears the initial and affirmative duty to eliminate segregation within its school district.

The California Supreme Court is clear in assigning to the school board the initial and affirmative responsibility for correcting segregation under a court order.[9] It is only after the school board has failed to meet its constitutionally imposed obligation that a trial court can intervene.[10] The board's obligation is to eliminate segregated schools and the harm to minority students (resulting from segregation) to the extent reasonably feasible.[11] Although immediate success is not required, a meaningful and reasonably feasible effort must be initiated in the required direction with the aim of eliminating all segregated schools.[12]

In evaluating a board plan, the trial court should not be guided by whether alternative measures might produce more rapid results. Recognizing the U.S. Supreme Court decisions which explicitly require board plans to promise realistically to work immediately, the court in Crawford reconciles those decisions by noting that the cases involved recalcitrant school boards which had refused to meet their constitutional obligations.[13] The Crawford decision takes the position that:

> When school boards have adopted and implemented ongoing programs for the alleviation of segregation and the elimination of segregation's harms which have produced meaningful progress and which promise to continue such progress, the absence of complete and immediate desegregation of all of a district's schools does not necessarily demonstrate that the board has failed in its constitutional obligation.[14]

According to Crawford, immediate desegregation need not be accomplished so long as the board plan is designed to achieve the elimination of segregated schools and is being implemented in good faith.

In addition to outlining minimum constitutional requirements for school boards desegregating their district schools, the supreme court of California also recommended appropriate planning considerations. The court noted the importance of majority-to-minority voluntary student transfer provisions as "an indispensable remedy for those

students willing to transfer to other schools in order to lessen the impact on [majority students]...of segregation."[15] The court also encouraged boards to involve the community in developing plans:

> ...plans developed and implemented by local school boards, working with community leaders and affected citizens, hold the most promising hope for the attainment of integrated public schools in our state.[16]

There is, however, a strong limitation imposed by Crawford on board policies which have a discriminatory effect on minorities:

> a school board in this state is not constitutionally free to adopt any facially neutral policy it chooses, oblivious to such policy's actual differential impact on the minority children in its schools.[17]

•Trial courts under the guidelines established by Crawford v. Board of Education of the City of Los Angeles have broad equitable power to supervise desegregation planning and implementation. If the board defaults in its constitutional obligation, the trial court must intervene and order immediate desegregation.

The trial court's role is to supervise the planning and implementation of desegregation by the board. In this role the court has broad equitable power. It is the trial court which must evaluate the adequacy of the board's plan in fulfilling or "promising" to fulfill the constitutional

requirements. The court must be guided by the facts in this particular case, and the adequacy of proposed alternatives need not be based simply on the amount of desegregation that alternatives are designed to achieve. The court should also consider the potential and educational costs of proposed alternatives, including long range effects on the racial or ethnic composition of the district. The California Supreme Court cautioned, however:

> We do not mean, of course, that the threat of "white flight" may be used as a smokescreen to avoid the constitutional obligations of a school district.[18]

The court also indicated that the principle applied to white flight is equally applicable to busing. Again, referring to Swann, the court emphasized that busing is a tool and "not a constitutional end in itself."[19] As a tool, busing will sometimes be appropriate to use and at other times it would be inadvisable. The trial court is not precluded from ordering mandatory pupil transportation as part of a reasonably feasible desegregation plan unless and until the board has defaulted in its constitutional obligation.[20]

The crucial element of the trial court's role in the process of school desegregation under the Crawford guidelines is to avoid intervening as long as the board is meeting its constitutional obligation.[21] This may not be

construed as an excuse for trial courts to defer to boards or permit them to avoid the constitutional requirement to desegregate:

> In those instances, however, in which a court finds that a local school board has not embarked upon a course of action designed to eliminate segregation in its schools or, having done so, has not implemented a plan that provides meaningful progress toward that goal, a court has no alternative but to intervene and to order the school board to undertake immediately a reasonably feasible desegregation program.[22]

Finally, the court made it clear that the remedy for segregation is desegregation:[23]

> This court, in Jackson v. Pasadena City School District...took a position squarely in favor of enforcing an affirmative duty to eradicate school segregation regardless of its cause....nothing in this court's recent decisions can properly be interpreted as either a retreat from or repudiation of, the Jackson decision.[24]

Under State and/or Federal laws, cases, and constitutions, nothing less than desegregation is required to remedy segregation and its harmful effects.

•On March 18, 1977, the Los Angeles City Board of Education submitted to Judge Paul Egly of the Superior Court of the County of Los Angeles its plan to remedy segregation within the Los Angeles Unified School District as required by the ruling in Crawford.

In its desegregation plan submitted to the trial court in March of 1977, the Los Angeles City Board of Education

acknowledged that 335 (or approximately 60 percent) of its 559 schools are segregated. According to school board figures, 264 (or 60 percent) of 435 elementary schools, and 71 (or 57 percent) of 124 secondary schools are segregated.[25]

Under the board plan, 183 of the 335 presently segregated schools would be excluded from the integrating provisions. Of the 183, 47 have predominantly minority student enrollment.[26] Since the school district considers 224 schools to be currently integrated,[27] the district plan affects only 152 out of 335 segregated schools. Under Crawford, the board is required to eliminate segregated schools, i.e., schools in which the minority student enrollment is so disproportionate as realistically to isolate minority students from other students and thus deprive minority students of an integrated educational experience."[28]

Apparently ignoring the mandate to eliminate segregated schools, the district has adopted the phrase "an integrated educational experience"[29] and has interpreted it to mean that Crawford only requires an integrated experience within an educational setting. As a result, the district has adopted a plan based on a lesser standard than that which

the California Supreme Court enunciated. The board determined that:

> It has not been possible to provide full-time integrated educational opportunities for all students in the district within the constraints imposed by the ethnic distribution of the student population, the distances involved, and the financial and housing resources available to the district.[30]

Accordingly, the board plan requires that each student not otherwise exempted participate in an integrated learning experience for at least 1 year at the elementary level and 1 year at the secondary level.[31] In the initial stage, the board relies primarily on voluntary efforts by area administrators, parents, and students to effectuate integrated learning experiences. Segregated schools[32] not exempted[33] must either voluntarily develop a board-approved integration option or be mandatorily integrated "to the extent feasible."[34]

Grades one, two, and three must initiate a voluntary program under the integrated curriculum program or be mandatorily assigned to such a program. Grades four, five, and six must initiate one of numerous school options or assignment to a specialized learning center will be mandatory. Grades seven, eight, and nine must initiate one of many options or be mandatorily assigned to one. There is

no mandatory component for senior high schools.[35] All three mandatory elements listed above terminate in June 1980.

There is at least one and possibly two mandatory elements in the initial stage of the board plan. It proposes satellite zoning to be started in fall 1977 to relieve overcrowding in segregated minority schools. This program would move minority children from 11 segregated schools to 18 majority schools.[36] There may also be a mandatory boundary change involving three schools, but on this point the plan is unclear.[37] It is clear, however, that the one full-time and immediately mandatory component is satellite zoning which only affects minority students. The only other identifiable full-time integration component is the Permits With Transportation program.[38] All other options and components can be put into effect for 1 year or less.

Another important aspect of the board's plan is its disparate and negative effect on minority students. Only minority students are involved in the mandatory satellite zoning component, which projects a limitation on travel time almost twice as long (45 minutes) than the plan limitation (25 minutes). The Permits With Transportation program (of which a threefold expansion is projected) is at present a totally minority program with travel currently exceeding 1 hour. Such differences between the standards of treatment

afforded minority and majority students by the board encourage suspicion of the board's good faith in devising this plan.

Permits With Transportation (PWT)

The projected expansion of the ongoing Permits With Transportation program is classified as a major component of the district's plan. It is, however, still exclusively voluntary and provides initially for transportation of minority students only. At its maximum effectiveness, the program has the potential of including only 5 percent of the district's students. In the 5 years in which PWT has been an operative district program, it has only recently reached the 10,000 mark in student participation, yet the district maintains that, because of a publicity campaign, the program will triple within the next 18 months. There is no evidence of expressed interest, increased applications, or other concrete data warranting the prediction that 30,000 students will choose to participate. By reading the PWT component description in the context of the plan, it would appear that simply maintaining the current enrollment will be difficult. A student faced with the choice of traveling 25 minutes or less to an educational planning site or spending more than an hour being transported to a PWT receiving school may well choose the lesser time. The same assumption applies to the

10,000 white students whom the district hopes to attract to the program by employing a quasi-magnet approach of developing attractive instructional programs at designated receiving schools. These students, too, may well prefer to participate in an integrated experience which would not entail a long bus ride and would provide a wider choice of alternatives.

There are no means of ascertaining or even approximating the number of students who may choose the PWT component. Furthermore, should the number of applicants fall far short of the projection, there is no enforcement mechanism or requirement to ensure adequate participation. The inducements or incentives for students to join the district's only full-time integration program may well be overridden by more attractive alternatives offered within other components.

Integrated Curriculum Program

In keeping with the district's decision to base its integration planning on existing "integration" programs, the integrated curriculum program (ICP) is based on the district's Program for Intergroup Education (PIE). The ICP program seeks to satisfy the district integration requirement through exchange visits between matched (but racially or ethnically different) classes at category I

schools once a month for a year at the elementary level and twice a semester for 1 year at the secondary level. Student interaction, which would focus on work projects, would be integrated and group oriented. The district contends that the ICP program will involve 30,000 students, an increase of 26,000 over the present PIE program. No evidence is offered by the district to justify the projected increase. The 30,000 figure appears to be related to available budgetary allocations rather than to realistic school, student, or parent interests.

There is no mandatory element to this program except for grades one, two, and three. These grades will have voluntary options until February 1978. At that time the district will ensure, by mandate if necessary, that at least 50 category I schools have ICP in grades one through three. However, it would appear that any school required to implement ICP in February 1978 could complete its obligation by participating for only 5 days.

Educational Planning Units

A major feature of the board's plan is a voluntary component in which two to six segregated elementary schools are organized into Educational Planning Units (EPU). Each unit then selects, from an approved list of "school options," a voluntary program which will provide "meaningful

integrated learning experiences" for students. The proposal would be submitted with timelines to the school board for approval. If the board receives acceptable proposals involving at least 50 of the 264 segregated elementary schools, then the requirements of the component will be satisfied. If, however, less than 50 schools choose not to participate, the district will assign the fourth and fifth grades of those schools (to achieve the goal of 50) to Specialized Learning Centers (SLC) to reduce racial isolation.

There are a variety of school options available to Educational Planning Units including pairing, alternative schools, heritage centers, renaissance schools, multicultural appreciation centers, Montessori schools, fine and performing arts conservatories, and individually guided education programs.

The duration for which these schools will exist has not been established nor has the length of time that each student will be expected to participate. District guidelines require that all elementary-level students participate for at least 1 year in an integrated learning experience. However, the extent of a student's involvement in some of the schools of choice can be for a 1 week, 1 day a week, 1 month, etc., and it would appear that

participation in a program which meets 1 day a week for a year would satisfy the district's requirements.

Specialized Learning Centers

The Specialized Learning Center is one of the few elements of the board's plan which can be selected as a voluntary option, but it is accompanied by a mandatory proviso. As previously noted, if 50 segregated schools by the end of the 1978-79 school year have failed to adopt voluntary options, then, "to the extent feasible," Specialized Learning Centers will be mandatorily assigned to Educational Planning Units. Each center will have approximately 200 students from at least two of the district's three major ethnic groups (with white students always constituting one of the groups) participating in the integrated experience. The experience will emphasize social studies and science.

Specialized Learning Centers are also available as an alternative to junior high school students who wish to fulfill their requirement to spend a year (between 7th and 12th grades) in an integrated learning setting. Additional school options geared toward specific career goals are also available to students in those grades. Again, it is unclear whether part-time participation such as the twice-a-semester requirement of the Integrated Curriculum Program constitutes

a year of integrated experience. It is, however, apparent that, if the year requirement is met in the seventh grade, the student or the school need do nothing more.

Geographic Techniques

District policy on the use of geographic techniques apparently would have a disproportionate negative effect on minority students. These techniques include boundary changes, pairing, and satellite zoning. Of these, pairing and boundary changes are voluntary and satellite zoning is mandatory, but boundary changes are limited since they are restricted to coterminous attendance zones. Pairing and boundary changes would probably affect minority and majority students; satellite zoning would affect only minority students in 11 segregated elementary schools and would result in 45 minutes of travel in some cases.

The district does not project the number of students affected by either pairing or boundary changes. The description for pairing indicates that, after February 1978, pairing may be required by the board. The board does not indicate what grade levels would be affected or the level of integration that could be accomplished by this method.

After describing boundary changes as the "least successful" of geographic techniques,[39] the component description says that they have "been used successfully in

this district at elementary, junior and senior high levels."[40] Another apparent inconsistency is the reference to boundary changes as a voluntary option[41] and the subsequent listing of three schools for boundary changes.[42] There is no discussion on the effect of boundary changes on the availability of category I white students who would be available to participate in other district integration options.

It is unclear why the district has determined that satellite zoning is an acceptable mandatory remedy for minority student student overcrowding[43] even if it involves 45 minutes travel one way. It is not an appropriate mandatory method for making segregated white students available to desegregate minority schools. Satellite zoning could be used more effectively to desegregate both the sending and receiving schools.

Racially Isolated Schools

The district has concluded that full-time integrated education for all of its students is unreasonable and infeasible. Therefore, certain segregated schools (minority and majority) are not directly affected by the "integration" portion of the board plan. Such schools are to be treated under a separate component.

According to the district plan, there will be 183 category I schools in the Racially Isolated Schools component; 47 are minority schools. Although it is unclear whether both majority and minority segregated schools are included within this component, it would appear that the program reaches only minority schools since much of the language used addresses problems typical to inner-city minority schools--overcrowded classrooms, low academic achievement, linguistically different students, work-oriented instruction, and multicultural program emphasis.

In addition to deliberately continuing segregated schools found in violation of the California constitution, the district plan apparently limits efforts to improve the instructional programs in such segregated schools to only grades one to six. This is particularly relevant and important in view of the absence of any mandatory integration component at the high school level and the inclusion of an unspecified mandatory component at the junior high level.

An additional deficiency in district planning for these racially isolated schools is a provision for eliminating or improving in some planned fashion those inner-city schools structurally inadequate or physically inferior to other district schools as a whole.

Despite an admission by the district that double sessions are underused, such sessions will be used to provide space for the planned reduction in student-teacher ratios. The plan indicates that new construction is not projected but that the use of additional portable facilities may be required.

Much of the emphasis of this component is focused on staff development and little specific data are given to indicate any actual benefit to the students. Nothing in this component indicates that any effort is being made to provide an integrated experience for children in racially isolated and impermissibly segregated schools.

•On March 3, 1977, the Citizens' Advisory Committee on Student Integration submitted its integration plan to the Los Angeles City Board of Education.

The desegregation plan submitted to the school board by the Citizens' Advisory Committee on Student Integration acknowledges the existence of 198 segregated minority elementary schools in the Los Angeles Unified school district and only includes elementary schools in the manadatory desegregation provisions of its plan.••

The plan sets out specific means of achieving the desegregation of 198 racially isolated, minority elementary schools, relying primarily on the development and use of 12

planning units. These units, as proposed by the CACSI, are organized so that the racial breakdown of each unit is approximately 70-30, minority to majority. Included in the CACSI's plan are geographic configurations for each planning unit indicating population, ethnic distribution, and names of schools which will comprise each unit. The criteria for planning the size and boundaries of the unit and the schools within them stipulate that there would be a 45 minutes maximum travel time for elementary children, a 70-30 minority to majority ratio in segregated minority schools, relief from overcrowding, maintenance and expansion of bilingual-bicultural programs, and careful grouping of students to maximize eligibility for funds. All of these goals would be achieved by the CACSI's plan.

The plan specifically includes two fully developed planning units in which the 70-30 goal in segregated minority schools can be reached by using a variety of educational alternatives. One unit would use a simple pairing plan with grade reorganization; another relies on pairing, the establishment of schools of choice, and the relocation of the proposed site for a new high school.

The Citizens' Advisory Committee on Student Integration also propounded means of implementing student integration throughout the secondary system. In addition to suggesting

that planning units serve as a nucleus for feeder patterns for the secondary schools, the CACSI recommends a reorganization of the secondary system to include magnet schools and varying grade pairing options. However, the alternatives suggested by the CACSI to desegregate the secondary system are not set out with as much specificity as is the elementary school integration process and do not presently contain any mandatory provision for desegregating secondary schools.

Even though the Citizens' Advisory Committee on Student Integration recommended in August 1976 that the Permits With Transportation (PWT) program be expanded into a positive, two-way process to demonstrate the board's interim good faith in reducing racial isolation, the CACSI is now recommending the program be abolished. The committee's rationale for this is twofold: There is concern that a two-way PWT program would compete with other educational options, thereby excluding the PWT enrollees from participating in a more comprehensive desegregation plan, and there is currently $7 million being expended for the program that could be used for the more extensive plan.

The plan of the Citizens' Advisory Committee on Student Integration also calls for extensive monitoring of the implementation and progress of its proposed program. The

CACSI suggests that a racially mixed committee composed of CACSI members, students, teachers, and community people observe and monitor the plan and report its findings to the superior court judge assigned to the case.

Attached to the plan, which the Citizens' Advisory Committee on Student Integration submitted to the board, were a minority report signed by 12 CACSI members and a position paper of the Asian American Education Commission. Both the report and the paper stress voluntary measures to achieve integration and reject the CACSI's plan to desegregate through the use of planning units. Neither the Asian American Education Commission nor the 12 members who submitted the minority report were able to persuade the CACSI that voluntary measures would work and work now.

•The Los Angeles City School Board plan submitted March 18, 1977, is constitutionally deficient under California constitutional standards. The plan neither eliminates nor begins to eliminate segregated schools or the harm which has resulted from the segregated school system.

The constitutional imperative requires the elimination of segregated schools and the harm resulting from such segregation. Finding that the school board maintains segregated schools, the law requires the school board to devise a plan to eliminate, either immediately or in the

reasonably foreseeable future, all of its segregated schools. This is the threshold criterion for any plan, i.e., does it realistically promise to correct the constitutional violation? By aiming at integrated experiences rather than desegregation, the board's plan fails even to address the constitutional violation. There is only one limited provision for mandatory full-time desegregation--satellite zoning--and the legality of that provision is highly suspect in view of its disproportionate effect on minority students.

Where, as in this case, a school board has built a record of dilatory conduct, resistance to its constitutional duty, and apparent bad faith, that board has the additional burden of demonstrating its commitment to fulfill both the letter and spirit of the law. The school board plan presented to the court in March 1977 gives no indication of any such commitment. By acknowledging within the plan itself that it does not address the desegregation of 183 schools, by adopting as its standard an integrated experience and not an integrated education, and by focusing on voluntary methods which define "integration" as student participation in a 9-week, part-time multiracial or multiethnic class, the board has once again clearly

indicated its refusal to seriously face the problems of segregation and racial isolation.

It is not necessary to evaluate whether or not the board plan is "reasonably feasible" because it is not a desegregation plan at all. It is not necessary to ascertain whether it affects desegregated schools within a reasonable time because it does not pretend to desegregate its schools. It does attempt to address the issue of unequal education but even here the efforts are directed solely at staff and are apparently limited to grades one to six. Nothing in the plan purports to address improving plant facilities or educational conditions in minority segregated secondary schools.

The most telling fact about the board's plan is that, within its modest goal of providing an integrated experience, there is no information as to how effective the board's totally voluntary methods will be or on what basis the board projects accomplishment of its goals. For example, the board plan calls for participation by at least 50 (of 264) segregated elementary schools in the Specialized Learning Center program (or some other "integration" option) by June 1978, but which 50 schools? How will schools be chosen for mandatory assignment if 50 do not voluntarily

"integrate"? What happens in those 50 schools after the 9-week mandatory assignment?

The board plan makes frequent reference to the need for additional Federal funds, yet, by both State or Federal standards, district schools are now and would continue under the board plan, to be segregated in violation of Title VI of the Civil Rights Act of 1964. The district is not only ineligible for additional funding, but also ineligible to continue to receive the Federal funds already allotted.

This board plan dramatically exemplifies the situation to which the Crawford case alludes, where the "school board has not embarked upon a course of action designed to eliminate segregation in its schools."[45]

•The plan submitted to the school board by the Citizens' Advisory Committee on Student Integration appears to meet minimal constitutional standards as enunciated by the California Supreme Court.

The plan for desegregation of the district's schools proposed by the Citizens' Advisory Committee on Student Integration is not a plan for total and immediate school desegregation. It does express the intention to eventually desegregate by reasonable means all district schools. By imposing a requirement for immediate desegregation of virtually all elementary schools in fall 1977, it

potentially ensures that within 6 years all secondary schools could be integrated simply by adjusting the feeder system to junior and senior high schools. The CACSI plan does exempt two schools with high concentrations of Asian American students, but by eliminating segregation in 198 schools, the plan demonstrates the sincerity of the CACSI's commitment to desegregation and gives promise of eventual compliance with constitutional requirements.

The Commission expresses great concern that the plan proposed by the Citizens' Advisory Committee on Student Integration does not contain any mandatory provision for the immediate desegregation of the district's secondary schools. The Commission acknowledges that the CACSI plan does recommend "an investigation of the total reorganization of the secondary schools,"[46] the use of the elementary school desegregation program to establish integrated feeder patterns for secondary schools, and various options through which secondary schools could be integrated. However, the Commission believes that students in all schools, regardless of grade level, have a constitutional right to a desegregated education. This should not be deferred nor relegated to fulfillment solely through voluntary options and voluntary implementation.

The Commission recommends that there should be a critical judicial review of any plan under consideration which omits a substantial number or significant class of students from the benefits of a desegregated education in light of Federal and State courts' constitutionally imposed obligation to eliminate immediately segregated schools at all grade levels.

The Citizens' Advisory Committee on Student Integration has developed and submitted a plan which, though incomplete, is well-considered and sophisticated. It uses many different integration techniques and permits ample opportunity for flexibility and voluntary compliance in creative ways. It does not, however, leave the fulfillment of a constitutional imperative to voluntary compliance in an intensely emotional environment.

The citizens' plan would probably constitute acceptable desegregation under standards established by the Department of Health, Education, and Welfare, and, therefore, give the district a better chance of keeping present funds and obtaining additional funds through ESAA. A significant element of the CACSI plan is the extensive monitoring of the implementation of desegregation. In view of the district's present and past performance in school desegregation, such monitoring, particularly by nondistrict personnel, is

essential. Admittedly, the CACSI plan has not been rigorously tested by the district or the court for its "reasonable feasibility," but it is not acceptance which is currently in question. This plan is deserving of consideration as a viable and constitutionally permissible antidote to existing segregation in the school system.

* * *

In its 1976 report to the Congress and the President, the United States Commission on Civil Rights noted that certain key factors have appeared consistently in concurrence with successful desegregation. The report's conclusions were the result of extensive analysis of testimony and data collected during a nationwide study of school desegregation which included 29 case studies, 4 open meetings, a national survey, and 4 formal hearings. Los Angeles is, therefore, the fifth city in which the Commission has held a major hearing on school desegregation.

From this broad cross section of school districts representing many different experiences with school desegregation, the Commission was able to report emerging patterns, to draw conclusions about overall progress, and to isolate the factors which contribute to successful desegregation. Some of the most important findings relative to successful desegregation are:

> ...through positive, forceful leadership and careful planning by a broad cross section of the community, school desegregation can be implemented smoothly.
>
> Affirmative leadership by school board members and superintendents is a critical factor for acceptance and peaceful implementation of desegregation.
>
> Where public officials actively support the desegregation process, the community generally directs its attention toward making the process work.
>
> The process of school desegregation is significantly affected by the support or opposition it receives from the local community's leadership.
>
> Media coverage of school desegregation has an enormous impact upon local and national opinions and perceptions.[47]

However, the most important conclusion reached by the Commission in its study was that desegregation does work and can, in fact, work in school districts across the country. The level of success, however, depends on a number of interrelated factors. Among the most important, the Commission found, was the presence of strong, united, positive leadership from those in positions of power, authority, and prominence. As the Commission noted:

> The peaceful implementation of desegregation is not by chance. Luck plays no part in determining the degree of disruption that a desegregating school district experiences. One of the most important conclusions of this report is that the support of school officials and other local leaders strongly influences the outcome of desegregation. The public generally follows the

> lead of officials who are responsible for school desegregation. Commitment and firm support from these officials encourage law-abiding citizens to make desegregation work. Under this type of leadership, even opponents of school desegregation conform to the standards of behavior exemplified by their leaders, thus ensuring tranquility and a peaceful learning environment for their children. Officials who are committed to desegregation and act decisively to ensure peaceful implementation are likely to be rewarded with a relatively smooth, peaceful transition.[48]

In addition the leaders from whom this support and commitment must come have other responsibilities. It is their duty not only to explain the law and insist on strict obedience to it, but also to ensure through careful, thorough planning that educational, community, and civic concerns be reflected in the priorities of the final plan.

The leadership factor is the most crucial component in the peaceful implementation of desegregation, the Commission found. In communities where leaders either voice opposition to desegregation or refuse to support the effort publicly, the result is often chaotic, with confusion, anxiety, turmoil, and disruption prevailing. Some opponents of desegregation, taking their cue from recalcitrant civic leaders, believe they have the sanction or license to disregard constitutional imperatives and disobey the law. The causal relationship between responsible, positive leadership and successful implementation of desegregation reflected in the findings cannot be ignored. Although there

can be no guarantee that school desegregation can be accomplished without any difficulty, it is clear that support from those in leadership positions minimizes difficulty and disruption.

The Commission also concluded in its report that community involvement at all stages of desegregation--planning through implementation and monitoring--results in a greater commitment to the outcome. Collective community support which leads to a vested interest in the success is necessary to prepare, inform, and educate, thereby allaying fears and creating instead an atmosphere of cooperation.

Community preparation and involvement can be handled in a variety of ways ranging from selected citizens actually designing the plan to citizens participating at strategic points, particularly in the areas of dissemination of information and rumor control. This community involvement is dependent on and must be marshaled under effective, positive leadership at the grassroots level which, in turn, takes its cue from elected officials and school administrators. It is also incumbent upon the school administration to stress, at every step of the process, the opportunity that desegregation presents for revamping and upgrading curricula, facilities, and instructional techniques and materials. The viability of this approach is

substantiated by Commission studies which have found that institutional and educational renewal and an improvement in the quality of education often accompany the desegregation process.[49] Working together, school officials and concerned community members can devise programs to meet varying needs of all students and systematically monitor those programs to ensure that every student derives maximum benefit from the opportunities afforded through desegregation.

As previous findings indicate, the U.S. Commission on Civil Rights has concluded that strong leadership is the most important factor in the successful implementation of desegregation. However, testimony at the Los Angeles hearing and information gathered in the field investigation preceding and following the hearing show that affirmative commitments and support from a number of key figures in Los Angeles have not been forthcoming. Testimony indicated that the Los Angeles leadership void is a matter of great concern to those in the community who strongly support school desegregation. Many witnesses echoed the sentiments expressed by a labor spokesman who noted:

> ...the clear reluctance on the part of many leaders of this community, who are leaders of power groups in the community, to bite the bullet in effect; to say that those measures which may be necessary to achieve real desegregation in the Los Angeles Unified School District, will require clear and forthright statements on the part of those

> very power leaders. It may require affirmative assertions by them to tell their constituency that it is both futile and undesirable for them to spread the notion that perhaps after a court order, for example, mandatory busing is one of the features, one of the elements in a desegregation order, that such a final order can somehow be defied or postponed. That can do nothing but cause havoc in our schools and could damage our children.[50]

The first step in the process of successful school integration is the acceptance by leadership that there is an obligation to make tough and often unpopular decisions based on a sensitive but realistic commitment to meaningful integration of the schools. Encouraging Los Angeles leaders to take such a strong, affirmative stand on the issue of desegregation is a peer obligation. Board of education members should be challenged to live up to their oaths of office. Business leaders have the leverage and means to assure local political leaders that there will be support at all levels for those who assume their leadership responsibilities. Finally, members of the religious hierarchy need support as they seek to establish and maintain a level of moral leadership in the face of opposition. Such a concerted effort by Los Angeles leaders will substantially contribute to the successful desegregation of the Los Angeles schools.

NOTES TO CHAPTER IX

1. 347 U.S. 483 (1954).

2. Crawford v. Board of Education of the City of Los Angeles, 551 P.2d 28, 35, 130 Cal. Rptr. 72 (1976).

3. Id. at 30. Not only is the existence of segregation at issue but also the harmful effects of segregation. Again, citing Brown and Sweatt v. Painter 339 U.S. 629 (1950), the court noted that "the detriments traditionally identified with segregated education rest in significant part outside of the academic sphere. (at 38) In that regard it is racial or ethnic isolation which creates the harm by depriving minority children of the tangible and intangible benefits of an integrated education."

4. Washington v. Davis, 426 U.S. 229 (1976); Austin Independent School District v. U.S., 97 S.Ct. 517 (1977); and Village of Arlington Heights v. Development Corp., 45 U.S.L.W. 4073 (1977).

5. Bradley v. Milliken, 418 U.S. 717, 744 (1974). See also Swann v. Board of Education, 402 U.S. 1, 16 (1971).

6. Crawford at 30.

7. Id. at 44.

8. Id. at 39 and 42.

9. Id. at 35 and 44.

10. Id. at 31.

11. Id. at 30, 35, and 39.

12. Id. at 45 and n.18.

13. Id. at 45 n.18.

14. Id.

15. Id. at 46 quoting Swann, 402 U.S. at 26-27.

16. Id. at 31.

17. Id. at 38.

18. Id. at 47.

19. Id.

20. Id. at 48.

21. Id. at 31 and 45.

22. Id. at 48.

23. Id. at 42.

24. Id. at 35.

25. Los Angeles City Board of Education, Plan for the Integration of Pupils in the Los Angeles Unified School District, Mar. 18, 1977, pp. 16 and 84 (hereafter cited as Board Integration Plan). The school board defines a segregated school as one in which minority enrollment is greater than 80 percent or less than 20 percent. Ibid., p. 5.

26. Ibid., p. 63.

27. Ibid., p. 84.

28. Ibid., p. 43.

29. Ibid., p. 4.

30. Ibid., p. 7. See also the discussion on p. 32.

31. Ibid., p. 3.

32. Ibid., p. 5, "Category I: Schools that, by virtue of disproportionate racial or ethnic makeup, are clearly unable to provide within the school's own site and resources an appropriate integrated learning experience." Category II schools are exempt from any mandatory reassignment. To qualify as a category II school, five standards must be met: (1) faculty integration which meets Federal guidelines, (2) student racial/ethnic ratio of 25-75 percent (plus or minus 5 percent), (3) an effective human relations program for staff, students, and parents, (4) multicultural programs for students, and (5) multiracial, multiethnic participation in co-curricular activities (p. 5).

33. Ibid. p. 63.

34. Ibid., p. 5.

35. Ibid., pp. 44-50.

36. Ibid., p. 83.

37. Board Integration Plan, Component IV, Geographic Techniques, Part I, Component Description.

38. Board Integration Plan, p. 64.

39. Board Integration Plan, Component IV, Geographic Techniques, Part I, Component Description.

40. Ibid.

41. Ibid.

42. Ibid.

43. Ibid.

44. CACSI Integration Plan, Mar. 3, 1977, pp. 1 and 4. The mandatory element of the CACSI plan deals solely with the elimination of minority elementary segregated schools and uses as the definition of a segregated school one in which the combined minority enrollment is greater than 70 percent.

45. 551 P.2d 28, 31.

46. CACSI Integration Plan, p. 4.

47. U.S., Commission on Civil Rights, Fulfilling the Letter and Spirit of the Law (2d printing, 1976), findings from pp. 152, 93, 95, 98, 92, 100, respectively.

48. Ibid., p. 155.

49. Ibid., pp. 152, 161.

50. Testimony of Max Mont, Regional Executive Director, Jewish Labor Committee, before the U.S. Commission on Civil Rights, hearing, Los Angeles, Calif., Dec., 13-15, 1976, transcript, pp. 320-21.

APPENDIX A

Comments from School Board
President Julian Nava and Board Members

(Line and page numbers cited in this appendix refer to a draft chapter of this report sent to these officials for comment. The passages referred to are found in chapter III of this report.)

BOARD OF EDUCATION
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MEMBERS OF THE BOARD
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May 12, 1977

Mr. Louis Nunez
Acting Staff Director
United State Commission on
Civil Rights
Washington, D.C. 20425

Dear Mr. Nunez:

I attach my remarks and those of Mr. Phillip G. Bardos to the draft chapter from a report the U.S. Commission on Civil Rights is preparing on school desegregation in Los Angeles. Other Board members were not able to or choose to not reply in such a short time.

Overall, I urge that in any case you attach the Nava and Bardos comments as part of the report because they are vital.

Specifically, I urge re-drafting of the entire draft. I am speaking as a supporter of record for integration when I say the draft is a disservice to everyone concerned. It is not worthy of a college senior term paper not to mention the U.S. Commission on Civil Rights. Critics of its thoroughness, selective use of data, omissions of vital, available data and argumentative tone would be correct. I have cited only major observations for the consideration of the Commission.

Los Angeles Unified School District is truly substantially unique, as well as huge. I hope we can all help the district meet a great challenge. How to desegregate and integrate too is a process subject to constant redefinition. In 1977 we must look forward, but I hope not with such faulty records of the past as the draft you sent contains and would place into public record over the signature of a body for which I have great respect.

Sincerely,

Julian Nava

Julian Nava
President

lm
Attachments
cc: Board Members
Dr. William J. Johnston, Superintendent of Schools

P.S. At the last moment, Miss Watson submitted the enclosed comments.

Personal Observations of Dr. Julian Nava, President of the Board of Education of the Los Angeles Unified School District on the Draft Chapter from the Report on School Desegregation in Los Angeles by the U.S. Commission on Civil Rights

line	page	Observations
43-47	2	The assertion that the current Board has refused "to uphold constitutional principles of school desegregation," is at best imprecise and at worst insulting and grossly inaccurate as to the Board. The assertion puts on paper what would appear to be incompetence on the part of the Commission members who have studied the conditions in Los Angeles in that they did not take into account specific actions taken by this Board to comply with law as it is defined now (Crawford Decision). If the Commission believes the Board actions have been insufficient, then say that.
51-53	2	The statement is erroneous and without merit on face value. The most senior Board member (Nava) has 10 years of service and the newest (Miller) has 1 year. To claim any of the Board members have "violated their oaths" is legally actionable if accurate, and if not accurate, presumptuous. Who would the Commission like to name as an individual Board member who has violated their oath? This statement is opinion only and should be so stated if stated at all. Name individuals rather than apply collective guilt.
61-63	3	The draft's assertion that the Board"....took no affirmative action to alleviate...." is patently incorrect and makes one wonder who has compiled this draft and to wonder about their competence and good faith. I could list many actions taken during this time. Why do Commission staff not know about these or give credit for the efforts, even if they were admittedly inadequate?
68	3	"lack of action" is incorrect. "Insufficient" action or some accurate qualifier is necessary.
75	3	The one quote is self-serving to an extreme. Does the Commission plan to exclude any data or references that support the policies and actions of the Board?
85-101	3	The 1963 policy statement antedates all the present Board Members by 4 years (Nava joined the Board in 1967, and on numerous occasions was more ardent for integration than Board member, Rev. James Jones; see attachments).
103-114	5	Why cite only Diane Watson? Because she agrees with the unnamed authors of the draft? Mexican Americans in the district (the single majority group) have rather different perceptions about all this. Watson refers to "we" repeatedly. I cannot be grouped in the collectively guilty "we." Do you believe a Mexican American view irrelevant?

line	page	Observations
117-121	5	It is important to note, since the report slides back and forth over 13 years, that not until the elections of Rice and Watson in 1975 was there a clear 4 vote majority in favor of more aggressive integration actions. No such majority was present before.
125, 132-135		Incorrect statements in part. Funds for earthquake repairs came to LAUSD from the state (Gov. Reagan) which imposed severe limitations, preventing construction at new locations where integration might be effected. Repairs were restricted to existing schools and for replacement of identical facilities, with rare and minor exceptions. Moreover, schools were damaged all over the district, not just minority schools. Did the Commission seek a list of the schools damaged? If not, revise the statement on the basis of my statement here.
141-151	5-6	First statement unclear and misleading, as well as inaccurate in part. PWT (Permits with Transportation) does contribute to desegregation (if only very modestly to be sure). It has always been voluntary, and the staff under Board direction has conducted informational efforts to increase involvement in it by the majority (white) and minority students. Qualify the flat assertion that the Board and administration "....consistently failed...."
153	6	The Board did not ignore the CACSI (Citizens Advisory Committee on School Integration) proposals; some 32 were approved and the rest revised in part. PWT was always two-way potentially. To mandate two-way would be to alter PWT and make it part of a formal desegregation/integration program formed in response to a California Supreme Court decision. Say we did not accept all of the CACSI recommendations on PWT, but don't say we ignored it after my clarification here.
195-202	7	Accurate as to reporting down to line 200. The Board did take action, contrary to your incorrect statement. Is it possible you did not ask for or get documents as to what the Board did? I cite the enclosures I attached above once again. At that time, the Commission must take into account that many leading champions of desegregation/integration like Black school board member, Rev. James Jones, and Manesba Tackett repeatedly argued for modest actions as the attachments prove. Let me point out bluntly that Black leadership and Brown leadership flatly "loved and lost" on integration. Both communities split over integration's desirability. Leaders like those I cite (and many, many others) opted for "Black and Brown Power" at schools where the children presently attended. Desegregation could dilute the efforts to gain minority citizens' "control" over their schools.

line	page	Observations
195-202	7	(cont.) Black and Brown (and soon Asians) demanded extra money for minority schools and more teachers and administrators of their own race or group in their own schools. I wonder that the Civil Rights Commission staff has not unearthed or taken this part of the historical record into account when such sweeping and vulnerable generalizations are put into the draft to which I comment.
204-207	8	Is the staff or membership of the Commission aware of the Mexican American, Black, Asian and Indian Education Commissions? Within the 9 years referred to in line 204 the Board established these very broadly-based citizen groups to help the Board on policy and practices affecting each minority group. To date the draft does ignore the creative, democratic, autonomous and influential bodies which had impact on the Board during the 9 years referenced.
222-227	8-9	References to CACSI recommendations in August 1976 are misleading. The letter from Dr. Robert Loveland was not an interim report as such, but a single recommendation from one subcommittee of CACSI. It is vital to point out that by August the fiscal year budget has been set in concrete since July 1. Major revisions are all but impossible that given year (1976-77). CACSI's single recommendation was applicable to planning for the 1977-78 budget year, and the Board plans to double PWT while intensifying efforts to involve more "Other Whites" (see attachment of Board report adopted unanimously).
263-272	10	Selective use of quotes here argue a legal case, rather than report the facts. That is your responsibility, of course. However, I urge you to consider the fact that in the very creation of CACSI, the Board was explicit that CACSI was advisory and that the responsibility by statute to form the plan for court was alone that of the Board. Alter your inferences by selective quotes that the Board saw new necessities to do its work. That is plainly incorrect.
272-276	8	Cite the name of the person giving this opinion (cited in footnote #33) to be fair and avoid the impression that the citation with quotation marks is accepted fact. That is disputable.
278-280	11	"Five weeks" reference is very obviously incorrect. Close liaison of staff to all the subcommittees of CACSI, the public nature of its sessions, its minutes and reports gave the Board about 6 months detailed account of the evolution of its ideas.

line	page	Observations
280		"3 days" referenced and "....guidelines for its plan" are grossly misleading for reasons cited above. By early December the outlines of CACSI recommendations were clear. The remaining members of CACSI were close enough in their ideas that Board members were well informed of CACSI's future recommendations. In part due to this, the urgency of time for budget planning, personnel notices and a report to Judge Egly in March, the Board insisted that CACSI give the Board a preliminary report in early January. At that time letters to me as President showed CACSI wanted to submit its recommendation for a plan sometime in May.
284-285	11	To rely on the L.A. Times or any newspaper is hazardous. Cite the source in the body since not all readers bother with incomplete references in footnotes at the rear of such a paper. I am personally aware of so-called "integrated learning centers" of one kind or another in our district discussed and implemented as far back as 1967-68. Complexes and COY (Career Opportunities for Youth) are only two examples that disprove the assertion that the learning center necessarily emerged from one executive meeting only. Do you desire more data on this correction?
289-293		The paragraph is undeservedly sarcastic and grossly unjust in general. Lines 292-293 are inaccurate as a portrayal of the district's plan (still in process of refinement and elaboration). The final paragraph does summarize the present tone and attitude of the writers of the draft. Please, out of both decency and respect for a body deeply involved in the difficult process, alter the paragraph closer to the reality which more of us perceive.

May 12, 1977

INTER-OFFICE CORRESPONDENCE

LOS ANGELES CITY SCHOOLS

TO: Dr. Julian Nava, President
Board of Education

Date May 10, 1977

FROM: Phillip G. Bardos

SUBJECT: U. S. Commission on Civil Rights Draft Chapter

Per your request, the following are my comments regarding the review by me of the draft chapter:

Line/page	Comment
Line 43, 44-47 Page 2	"By continuing to refuse"-- this phrase should be eliminated since it is an interpretation that is wrong! We did submit a plan to uphold constitutional principles. The issue is our four vote (and particularly my) interpretation of my duty can be subject to scrutiny, but to say "I refused" is to pass judgment on me without due process. Indeed, the present trial as well as a lawsuit charging me as one Board member "Refusing to uphold..." would decide whether this statement is valid.
Line 51-53 Page 2	Same comment as above.
Line 55-58 Page 2-3	Same thought as above; indeed, the entire page 2-3 approach as now written must be revised.
Line 68-69 Page 3	Re "Board's lack of action". This phrase again does not take into account the actions we did take. Again, the issue is the degree to which one acts and the approach to desegregation. This is what the present trial is all about, viz-a-viz to determine if the present plan is reasonably feasible. The past actions must be put into proper focus with the present actions. Nothing is said by lines 68-69 about the actions the Board did take. Therefore, these lines are wrong!
Lines 100-103 Page 4	Same as above.
Lines 132-134 Page 4	Not all of the earthquake damaged schools are in the inner-city. Again, an absolute phrase is used without foundation in fact. We had earthquake damaged schools in the San Fernando Valley.

Line 149 Page 6	Again, the phrase "No attempt..." is wrong. We did attempt to cause the program to be a two-way approach. A better phrase would be "Some attempt..."
Line 153-155 Page 6	These lines again are inaccurate since they ignore our efforts to attempt a two-way PWT.
Line 200 Page 7	Inaccurate statement - "Took no action" should be amended to read "Took some actions and they were..."
Line 211-212 Page 8	This is inaccurate. We did not rescind the action; we reconsidered the action. (Under parliamentary rules there is a difference.)
Lines 272-273 Page 10	"uncharacteristic" should be deleted. This serves no purpose and indeed is less than professional in its demeaning insinuation.
Lines 284-286 Page 11	This is inaccurate. Facts do not substantiate this statement. Again, this is unprofessional in style for a report from this Commission.

The writer clearly writes in a prejudiced, biased manner. I consider the Report to be unprofessional in style and content and should be accurately written. Indeed, a Commission of this stature would better serve the national interest if the report did not stoop to personalized statements that only serve to dramatize and - worse yet - cause the Commission's credibility for integrity to be questioned.

PGB:fbl

INTER-OFFICE CORRESPONDENCE

LOS ANGELES CITY SCHOOLS

TO: Dr. Julian Nava

Date May 12, 1977

FROM: Diane E. Watson

SUBJECT: COMMENTS RE U.S. COMMISSION ON CIVIL RIGHTS DRAFT CHAPTER

I am in concurrence with most of the report. However, on page 9, line 252-254 some clarification is needed.

Within there, it should be indicated that I expected concepts and strategies from CACSI to form the basis of a plan that the Board would devise.

DEW:nn

Los Angeles Times

LARGEST CIRCULATION IN THE WEST, 861,330 DAILY, 1,272,983 SUNDAY

ART ONE CC F TUESDAY MORNING, OCTOBER 10, 1967 94 PAGES

School Board Unit Approves Explicit Integration Policy

BY JACK McCURDY
Times Education Writer

A proposal which would make racial integration an explicit policy of the Los Angeles city schools for the first time was endorsed informally by a Board of Education committee Monday.

Under plans presented to the committee, the new policy could lead to busing of students between white and Negro neighborhoods, closure of schools which are now all Negro or creation of centralized "educational park" schools.

After nearly two hours of discussion, the Personnel and Schools Committee agreed to draw up a policy statement favoring integration at its Oct. 23 meeting.

The board's present position favors "equal educational opportunity for all pupils" and pledges to prevent the spread of de facto segregation in establishing school attendance boundaries.

Months of Controversy

It was adopted in 1963 after months of controversy and study by an ad hoc committee of the board.

While proposing integration as a policy, the three-man Personnel and Schools Committee was divided over how to actually bring it about.

Dr. Julian Nava, a committee member, suggested three steps:

1—The board adopt a "fully integrated school system" as a goal.

2—The school administrative staff develop a master plan to implement the policy.

3—The staff undertake interim measures toward integration.

But Arthur Gardner, another committee member, said such a plan would probably cost money the school system does not have.

"The hangup is on implementation and the feasibility of techniques," he said. "I am ready to adopt a policy

Please Turn to Page 20, Col. 1

Integration Plan OKd by School Board Unit

Continued from First Page

commitment (for integration). But we have to be realistic."

Integration will involve transporting students, he said, and this will run up against problems of cost, and opposition from parents.

"Things get pretty sticky beyond adopting a policy," he added.

The Rev. James Jones, Negro member of the board and chairman of the committee, said he felt the board should first adopt integration as policy and then explore various means of achieving it.

Sentiment Shared

He indicated he would favor a more cautious approach than Dr. Nava's.

His sentiment was shared by Mrs. Marnesba Tackett, executive director of the United Civil Rights Council.

"A sudden upset in the status quo will find opposition from many quarters," she said. "There are political implications."

She said she favors a "simple statement of policy" on integration without specific instructions to the staff on implementation.

"The first steps are to get people ready for it (integration) by programs of interaction between parents and students. This can be done immediately," she said.

Must Get Ready

"We must get ready for any plan. To start busing without talking with students and parents would be a sad mistake."

Nava said, "We come down to a question that can't be put off any more. We have to stand up and be counted. We can't really say we are committed to integration. We have been going in the direction of separate and equal—many staff members speak in these terms. This will require more than a statement of intent."

As an example of an interim measure, he said, the staff could "redraw some attendance lines by February. The Fairfax High lines, for instance, have been drawn to promote segregation."

Charges Studied

(The board's building committee has under study charges that attendance lines were drawn purposely to create segregation at Fairfax, Hollywood, Hamilton and Los Angeles high schools.)

Gardner said the board must be specific in its instructions to the staff about implementing a policy on integration.

"We need to tell the staff that a master plan must establish specific objectives. It is nearly impossible to talk in broad policy terms without discussing detail. We have to be realistic."

Nava said "we should leave detail to the staff. We understand the range in which the mixture of races leads to a good educational environment. Let the staff develop the rest."

Asked for Review

The board two months ago asked the staff to review its policy on segregation after requests by UCRC, the American Civil Liberties Union and Community Relations Conference of Southern California.

On Monday, Dr. Louise Seyler, deputy superintendent, reported that the "board does not have a formalized policy on integration."

The staff, she said, believes there are three main ways to achieve integration:

1—Busing of students between white and Negro neighborhoods.

2—Closing of segregated schools and building new ones elsewhere.

3—Creating "educational parks." These will "take many years and millions to achieve," she added.

Gardner said the committee should not limit itself to these alternatives which, he said, would result in "dramatic and expensive choices."

TO: LOS ANGELES CITY BOARD OF EDUCATION

FROM: SUPERINTENDENT OF SCHOOLS

VIA: COMMUNITY AFFAIRS COMMITTEE

Emergency Communication No. 1
Prepared by the Office of the Superintendent
for presentation to the Committee of the Whole
on May 9, 1977

1

SUBJECT: CENTRAL CITY ORIENTATION PROPOSAL

A. Proposal

It is proposed that $1,200 be transferred from the Undistributed Reserve-Contingencies to Contract Bus Expense to cover the cost of transporting parents from the San Fernando Valley to schools in Central Los Angeles for an orientation activity related to student integration.

B. Background

Several weeks ago, Miss Diane Watson, Member, Board of Education, suggested that a series of orientation visits for parents from the San Fernando Valley be organized to familiarize them with the schools and community in Central Los Angeles. In addition, the orientation is designed to acquaint parents from the San Fernando Valley with instructional programs available in the Central City and to assist in the reduction of any anxieties which these individuals may have relative to their youngsters' education should they attend these schools.

A survey to determine interest has been completed. To date 637 parents from the four Valley Administrative Areas have expressed interest in such a program. Area Superintendents in Central Los Angeles, together with their principals and school advisory council members, will assist in the development and planning of this orientation activity. Arrangements will be made for visits to individual elementary, junior, and senior high schools; and an opportunity will be made available for the visitors to meet the faculties and parents in the community.

C. Recommendations

IT IS RECOMMENDED THAT the Board of Education approve the following transfer:

		1976-77 General Fund
FROM:	OTHER OUTGO 7900 Undistributed Reserve-Contingencies	$1,200
TO:	CONTRACT SERVICES Object 5600 Contract Bus Services-Multi Program	$1,200

After the above transfer has been made, the amounts of the Reserve will be as follows:

	Undistributed Reserve-Contingencies
Reserve - Final Budget	$30,070,716
Transfers - Prior	29,997,764
Transfers - This Report	1,200
Reserve After Transfers	$ 71,752

Respectfully submitted,

WILLIAM J. JOHNSTON
Superintendent

Community Affairs Committee
Office of the Superintendent
Emergency Communication No. 1 -1- May 9, 1977

APPENDIX B

Commission Response to
Board Member Comments

Commission Response To Board Member Comments

The comments of school board president Dr. Julian Nava and school board member Phillip G. Bardos indicated their objection to the absence in this report of any recognition, however limited, of positive attempts by the board to desegregate the district's schools. No such attempts, other than policy statements included in the report, have been brought to the attention of Commission staff during the investigation or hearing, and no examples of such attempts are cited by either Dr. Nava or Mr. Bardos. Dr. Nava also indicated that minority leaders and board members were in accord with board actions:

> Accurate as to reporting down to line 200. The Board did take action, contrary to your incorrect statement. Is it possible you did not ask for or get documents as to what the Board did? I cite the enclosures I attached above once again. At that time, the Commission must take into account that many leading champions of desegregation/integration like Black school board member, Rev. James Jones, and Manesba Tackett repeatedly argued for modest actions as the attachments prove.
>
> Let me point out bluntly that Black leadership and Brown leadership flatly "loved and lost" on integration. Both communities split over integration's desirability. Leaders like those I cite (and many, many others) opted for "Black and Brown Power" at schools where the children presently attended. Desegregation could dilute the efforts to gain minority citizens' "control" over their schools.

> Black and Brown (and soon Asians) demanded extra money for minority schools and more teachers and administrators of their own race or group in their own schools. I wonder that the Civil Rights Commission staff has not unearthed or taken this part of the historical record into account when such sweeping and vulnerable generalizations are put into the draft to which I comment.

The Commission does not accept the view, as suggested by Dr. Nava, that political considerations or the personal opinions of selected minority leaders justify or excuse a failure by a school board to fulfill obligations imposed by law. The report contains a discussion of the structure and function of the district's several ethnic education commissions in chapter 5 entitled "Community." This chapter also includes the positions taken by the ethnic education commissions as well as leaders throughout the Los Angeles community relative to school desegregation.

According to the CACSI Preliminary Report, on July 29, 1976, the entire committee adopted by resolution a series of recommendations relative to the district's PWT program. These recommendations were forwarded to the school board by the CACSI Chairperson, Robert M. Loveland, in a letter dated August 4, 1976, to Dr. Julian Nava. The CACSI records indicate that the board response as of January 10, 1977, was "discussion only" (see CACSI Preliminary Report Exhibit C of the Appendix, pp. E-C4 and E-C12). In addition, the May 9, 1977, Emergency Communication No. 1 from the superintendent

to the school board suggests that the 1976-77 budget has $30 million in reserve, at least some of which arguably could have been diverted by the school board to implement the CASCI interim PWT recommendations.

The current contention by Dr. Nava that the school board explicitly created the CACSI as an advisory committee begs the question. The committee and the Commission accept the advisory status to which he referred. However, the letter of April 20, 1976, from Dr. Docter (in which four other board members purportedly concurred) does assign the CASCI the task of developing a plan. The retention of final authority regarding the adoption of a plan does not mitigate the manner with which the CACSI recommendations were dealt.

Testimony received from school board members by the Commission in the December 1976 Los Angeles school desegregation hearing and cited within this report indicated that the school board was just beginning to get a sense of the CACSI's direction, that the board was awaiting the CACSI's guidelines, and that these recommendations would be carefully considered. The Commission believes the testimony and subsequent actions by the school board are inconsistent with Dr. Nava's present explanation.

*U.S. GOVERNMENT PRINTING OFFICE: 1977 727-005/385 1-3